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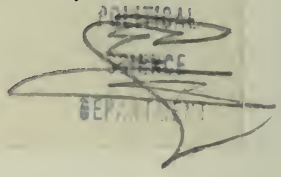

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JOURNAL

OF THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF DELAWARE,

CONVENED AND HELD AT DOVER, ON TUESDAY, THE FIRST DAY OF DECEMBER, A. D. 1896, AND OF THE INDEPENDENCE OF THE UNITED STATES THE ONE HUNDRED AND TWENTY-FIRST.

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JOURNAL

OF THE

CONSTITUTIONAL CONVENTION.

At the session of the Constitutional Convention of the State of Delaware, convened and held at Dover, on Tuesday, the first day of December, in the year of our Lord one thousand eight hundred and ninety-six, and of the Independence of the United States of America the one hundred and twenty-first.

The Convention was called to order by Robert W. Dasey, a Delegate from Sussex county, and upon his motion, J. Wilkins Cooch was nominated and elected President pro tempore, and Woodburn Martin was nominated and elected Secretary pro tempore.

Charles B. Evans moved that a Committee on Credentials be appointed,

Which motion Prevailed.

And the President pro tempore appointed Charles B. Evans, William C. Spruance, Robert G. Harman, Charles F. Richards and Edward D. Hearne as said committee.

Beniah Watson presented a certificate of election of Delegates from Kent county.

Wilson T. Cavender presented another certificate of election of Delegates from Kent county.

Sheriff William R. Flinn presented the certificates of election of the Delegates from New Castle county.

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Sheriff Joseph D. Truxton presented the certificates of election of the Delegates from Sussex county.

The Committee on Credentials then retired. After deliberation, the committee returned and Mr. Evans submitted the following report, to-wit:

"We, the undersigned Committee on Credentials, respectfully report that we have examined the certificates of the election of Delegates to this Convention returned by the Sheriff of New Castle county, and find that the following persons were duly chosen Delegates for said county, to-wit: Martin B. Burris, William C. Spruance, Elias N. Moore, Edward G. Bradford, Andrew L. Johnson, John P. Donahoe, John Biggs, Robert G. Harman, Charles B. Evans, J. Wilkins Cooch,

"And we further report that we have examined the certificates of the election of Delegates to this Convention returned by the Sheriff of Sussex county, and find that the following persons were duly chosen Delegates for said county, to-wit: Edward D. Hearne, Woodburn Martin, Joshua A. Ellegood, Andrew J. Horsey, Robert W. Dasey, Charles F. Richards, James B. Gilchrist, William P. Orr, William A. Cannon, Isaac K. Wright,

"And we further report that we have examined two papers purporting to be certificates of the election of Delegates to this Convention from Kent county, one of which is signed by the Sheriff and six members of the Board of Canvass of said county, whereby it is certified that ten persons therein named were chosen Delegates for said county, and the other of which is signed by the Coroner and ten members of the Board of Canvass of said county, whereby it is certified that ten other persons therein named were chosen Delegates for said county.

"Your committee recommend that, of the persons named in the said papers as chosen Delegates for said county, the following be seated as Delegates to this Convention, from said county, to-wit: Wilson T. Cavender, William Saulsbury, Ezekiel W. Cooper, Louder L. Sapp, Nathan Pratt, David S.

Clark, William T. Smithers, George H. Murray, Paris T. Carlisle, Jr., John W. Hering.

All of which is respectfully submitted.

CHARLES B. EVANS,
W. C. SPRUANCE,
ROBERT G. HARMAN,
CHARLES F. RICHARDS,
EDWARD D. HEARNE."

On motion of Mr. Dasey, the report of the committee was adopted. The roll was called and the following Delegates answered to their names, to-wit:

For New Castle county.—Martin B. Burris, William C. Spruance, Elias N. Moore, Edward G. Bradford, Andrew L. Johnson, John P. Donahoe, John Biggs, Robert G. Harman, Charles B. Evans and J. Wilkins Cooch.

For Sussex county—Joshua A. Ellegood, Andrew J. Horsey, Robert W. Dasey, Edward D. Hearne, Woodburn Martin, Charles F. Richards, James B. Gilchrist, William P. Orr, William A. Cannon and Isaac K. Wright.

For Kent county.—Wilson T. Cavender, William Saulsbury, Ezekiel W. Cooper, Louder L. Sapp, Nathan Pratt, David S. Clark, William T. Smithers, George H. Murray, Paris T. Carlisle, Jr., and John W. Hering.

On motion of Mr. Pratt, the Convention proceeded to elect by ballot a President.

Mr. Pratt placed in nomination John Biggs, of New Castle county.

Mr. Spruance placed in nomination Edward G. Bradford, of New Castle county.

Mr. Cavender moved that two tellers be appointed,

Which motion Prevailed.

Whereupon Messrs. Cavender and Burris were appointed tellers.

Mr. Saulsbury moved that the Secretary call the roll and each Delegate come forward and cast his vote,

Which motion Prevailed.

Upon the ballot being counted it appeared that John Biggs, of New Castle county, had received sixteen votes and that Edward G. Bradford, of New Castle county, had received nine votes.

Whereupon John Biggs, having received a majority of all the votes cast, was declared duly elected President of the Constitutional Convention.

Mr. Bradford moved that the President pro tempore appoint a committee of two to inform Mr. Biggs of his election and to conduct him to the chair,

Which motion Prevailed.

Whereupon Messrs. Bradford and Horsey were appointed said committee.

Mr. Biggs, President-elect, was conducted to the chair by Messrs. Bradford and Horsey. In accepting the honor, he said:

Gentlemen of the Convention:—I thank you for the honor which you have conferred upon me, and I particularly appreciate it, coming as it does entirely unsolicited on my part.

I will discharge the duties which this election carries with it faithfully and impartially, to the best of my ability. In this I ask the indulgence and assistance of the members, and let me assure you if I make mistakes, as we are all liable to do, they will be errors of the head and not of the heart.

I am sure we all appreciate the importance of this occasion and the responsibility that devolves upon us, and that we will all labor, having at all times the main object in view, and that is to frame a Constitution that will be acceptable to the people. Again I thank you.

Mr. Hearne placed in nomination for Secretary, Charles R. Jones, of Sussex county.

Mr. Richards placed in nomination for Secretary, Morgan T. Gum, of Sussex county.

The Convention then proceeded to ballot, and upon the ballots being counted it appeared that Charles R. Jones, of Sussex county, had received sixteen (16) votes and that Morgan T. Gum, of Sussex county, had received (9) votes.

Whereupon Charles R. Jones, having received a majority of all the votes cast, was declared duly elected Secretary of the Constitutional Convention.

Mr. Hearne moved that a committee of two be appointed to notify Mr. Jones of his election and escort him to the chair,

Which motion Prevailed.

Whereupon the President appointed Messrs. Hearne and Gilchrist as said committee.

Charles R. Jones, Secretary-elect, was introduced and took his seat at the Secretary's desk.

Mr. Donahoe placed in nomination for Sergeant-at-Arms Daniel V. Hutchins, of Kent county.

There being no other nominations, on motion of Mr. Donahoe, Mr. Hutchins was elected by acclamation. He was introduced and entered upon the duties of his office.

Mr. Donahoe placed in nomination for page, Arthur Hutchins.

There being no other nominations, on motion or Mr. Donahoe, Arthur Hutchins was elected by acclamation. He was introduced and entered upon the duties of his office.

The Convention then proceeded to the election of a Chaplain.

Mr. Hearne placed in nomination for Chaplain, Rev. C. I. Stengle.

Mr. Burris placed in nomination for Chaplain, Rev. Walter E. Avery.

Whereupon the Convention proceeded to ballot and Rev.

Walter E. Avery, having received a majority of all the votes cast, was declared duly elected.

Mr. Saulsbury moved that a committee of two be appointed to inform Mr. Avery of his election and request him to act as Chaplain of the Convention during the session,

Which motion Prevailed.

Whereupon the President appointed Messrs. Saulsbury and Bradford as said committee.

Mr. Richards moved that the Convention proceed to the election of an Assistant Secretary,

Which motion Prevailed.

Mr. Richards placed in nomination Morgan T. Gum, of Sussex county.

Mr. Horsey placed in nomination E. D. C. Hegeman, of Sussex county.

Mr. Johnson placed in nomination Franklin Brockson, of New Castle county.

Mr. Cooper placed in nomination A. N. Brown, of Kent county.

The Convention proceeded to vote, and upon the ballots being counted it appeared that

Morgan T. Gum, of Sussex county, had received ten votes,

E. D. C. Hegeman, of Sussex county, had received four votes,

Franklin Brockson, of New Castle county, had received four votes,

A. N. Brown, of Kent county, had received seven votes.

No one having received a majority of all the votes cast, the President declared no election, and the Convention proceeded to vote again, and upon the ballots being counted it appeared that

Morgan T. Gum, of Sussex county, had received fourteen votes,

E. D. C. Hegeman, of Sussex county, had received two votes,

Franklin Brockson, of New Castle county, had received five votes,

A. N. Brown, of Kent county, had received four votes.

Whereupon Morgan T. Gum, having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Convention.

Mr. Richards moved that a committee of two be appointed to inform Mr. Gum of his election,

Which motion Prevailed.

Whereupon the President appointed Messrs. Richards and Hearne as said committee.

Morgan T. Gum, Assistant Secretary-elect, was introduced and took his seat at the Secretary's desk.

Mr. Cooch offered a resolution, which, on his motion, was read as follows:

Whereas, The act calling this Convention expressed the opinion that any Constitution framed by this Convention should be submitted to the people of this State for their formal approval before the same should go into effect, which expression of opinion in the wisdom of the General Assembly was but the wish of the people of this State put in words by their representatives when calling for the election of Delegates to this Convention, and

Whereas, It is the sense of this Convention that said opinion and wish should be duly respected and complied with by the Convention,

Therefore, be it resolved, That the work of this Convention, whether resulting in amendments to our existing Constitution or in the substitution of a new Constitution as a whole, shall be, and of right should be, first submitted to the

people for their ratification or rejection before the same shall be considered as of binding force or ordained and proclaimed as the fundamental and organic law of this State.

Mr. Bradford moved that the resolution be referred to a committee of three before action is taken by the Convention,

Which motion Prevailed.

Mr. Martin offered the following resolution and moved its adoption:

Be it resolved, That the State Librarian be and he is hereby directed to purchase the necessary supplies of stationery, &c., for the use of the members and secretaries of the Convention.

The motion Prevailed.

Mr. Pratt offered the following resolution and moved its adoption:

Resolved, That a committee be appointed, consisting of five members, to report the manner in which it would be expedient to proceed with the business of the Convention.

Mr. Harman offered as a substitute, "That a committee of five be appointed to report at next meeting the subjects for which standing committees should be appointed."

Which was withdrawn and the original resolution offered by Mr. Pratt was adopted.

Mr. Cooper moved that the President appoint a committee of three on rules,

Which motion Prevailed.

Mr. Pratt moved that a committee of three be appointed by the President to take into consideration the question as to whether or not an oath should be taken by the members of this body, and if so, the form to be used,

Which motion Prevailed.

Mr. Saulsbury moved that until otherwise ordered this Convention meet daily at 11 o'clock, a. m.,

Which motion Prevailed.

Mr. Evans moved that a committee of three be appointed to take into consideration the employment of a stenographer,

Which motion Prevailed.

Mr. Donahoe moved that a committee of three be appointed to select and prepare a suitable place for the meetings of this Convention,

Which motion Prevailed.

Mr. Spruance moved that a committee of three be appointed to make the arrangement for the seating of the members,

Which motion Prevailed.

Mr. Horsey moved that the Convention do now adjourn,

Which motion Prevailed.

Wednesday, December 2, 1897.
11 o'clock, a. m.

Convention met pursuant to adjournment.

In the absence of the Chaplain-elect, Rev. Walter E. Avery, prayer was offered by the Rev. George M. Bond.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Martin, Moore, Pratt, Richards, Saulsbury, Sapp, Spruance, Wright, Mr. President.

Secretary read the Journal of last meeting.

Mr. Cavender thought the Journal did not show that more than one set of credentials were presented from Kent

county and moved to incorporate the fact that he (Mr. Cavender) presented other credentials from Kent county so as to show there were two sets of credentials presented from Kent county.

There being no objection, the President directed the Secretary to make the corection.

Mr. Martin said it did not appear from the Journal that after the Convention was duly organized the roll was called and each member reported by the Committee on Credentials as entitled to a seat was here and answered to his name. He moved that the Journal be corrected in that respect,

Which motion Prevailed.

Mr. Hearne stated that he placed in nomination Rev. C. I. Stengle, and not Rev. W. E. Avery, and moved that correction be made.

There being no objection, the President directed the Secretary to make the correction, and also that Mr. Burris nominated Rev. W. E. Avery.

Mr. Bradford noted some verbal inaccuracies, and, no objection being offered, the President directed the Secretary to correct the portions referred to by Mr. Bradford to read as follows:

The Convention was called to order by Robert W. Dasey, Delegate from Sussex county, and upon his motion, J. Wilkins Cooch was nominated and elected President pro tempore.

Mr. Dasey moved that that part of the Journal which has been corrected, be read again,

Which motion Prevailed.

Whereupon the Secretary read the corrected portions.

Mr. Martin moved that the reading of the Journal be deferred.

Whereupon the President declared that if there were no objections the final reading of the Journal would be deferred

until after recess, in order to give the members a chance to submit other corrections deemed proper.

Mr. Dasey offered a resolution, which, on his motion, was read, as follows:

Resolved, That a committee of three be appointed to wait upon his Excellency, the Governor, and the Governor-elect, and invite them to a seat on the floor at their pleasure, also, the Secretary of State, the Judiciary of the State, the members of the House and Senate who may be present during the session of the Convention, have the privilege of seats on the floor.

And further, on his motion, the resolution was adopted.

Mr. Martin offered a resolution, which, on his motion, was read as follows:

Resolved, That the Secretary be requested to furnish each member of the Convention with a copy of the Revised Code and a copy of the Acts of the last General Assembly.

And further, on his motion, the resolution was adopted.

Mr. Donahoe offered a resolution, which, on his motion, was read as follows:

Resolved, That the Secretary be instructed to furnish wrappers, stamps and stationery for the use of the Convention.

And further, on his motion, the resolution was adopted.

Mr. Spruance offered a resolution, which, on his motion, was read as follows:

Resolved, That the Secretary be instructed and directed to furnish for the use of the members of the Convention thirty copies of each of the Wilmington daily papers, also, three copies of each of the weekly papers published in the State; also, to each member another daily paper to be selected by him.

And further, on his motion, the resolution was adopted.

The President announced the appointment of the following committees pursuant to the action of the Convention yesterday, viz:

Committee on resolutions as to submitting the Constitution to the people for ratification:

Messrs. Cooch, Cavender, Richards.

Committee on arranging order of business:

Messrs. Bradford, Harman, Saulsbury, Hearne, Cannon.

Committee on Rules:

Messrs. Cooper, Burris, Wright.

Committee on Oath:

Messrs. Pratt, Spruance, Ellegood.

Committee on Stenographer:

Messrs. Evans, Dasey, Moore.

Committee on Place of Meeting of the Convention:

Messrs. Donahoe, Johnson, Orr.

Committee on Seating Members:

Messrs. Spruance, Sapp, Martin.

Mr. Hearne moved that the Secretary be instructed to furnish each member with a list of committees just announced,

Which motion Prevailed.

Mr. Horsey offered a resolution, which, on his motion, was read as follows:

Resolved, That a committee of five be appointed to take into consideration the propriety of establishing an Agricultural Department into the Constitution of the State of Delaware.

Mr. Horsey moved its adoption.

Mr. Bradford moved to lay it on the table until the proper committee be made to which it can be referred,

Which motion Prevailed.

Mr. Bradford moved that the Convention take a recess until 2 o'clock, p. m.,

Which motion Prevailed.

Same day, 2 o'clock p. m.

Convention met pursuant to adjournment.

The Journal was read in its entirety, as corrected, and was adopted.

Mr. Bradford, on behalf of the Committee on Arranging Order of Business, submitted the following report,viz.:

The undersigned, composing the Committee on Arranging the Order of Business of the Convention, respectfully report that after considering the subject committed to said commitee they recommend the appointment of standing committees each consisting of six members as follows:

1st:—On the Legislature.

2nd:—On the Governor and other Executive Officers.

3rd:—On the Judiciary.

4th:—On Elections.

5th:—On Securing the Purity of the Ballot.

6th:—On Corporations.

7th:—On Crimes, Punishments and Impeachments.

8th:—On Agriculture.

9th:— On Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions.

10th:—On Accounts.

Respectfully submitted,

EDWARD G. BRADFORD,
ROBERT G. HARMAN,
WILLIAM SAULSBURY,
EDWARD D. HEARNE,
WILLIAM A. CANNON.

Mr. Pratt moved that the report of the committee be adopted and committee continued,

Which motion Prevailed.

Mr. Evans, on behalf of the Committee on Stenographer, reported as follows:

We the undersigned committee appointed to consider the question of the employment of a stenographer, report that we have consulted with Mr. E. C. Hardesty and Mr. C. G. Guyer, stenographers, and present for the consideration of the Convention the following estimate of the probable cost.

Wilmington, Del., Dec. 1, 1896.

To the Members of the Constitutional Convention
of the State of Delaware:

Gentlemen:—We beg to state the following estimate for stenographically reporting the proceedings of your Convention from day to day:

We will report the proceedings of the Convention and furnish four typewritten copies of the same within one week from the day when such proceedings are had and taken, at the rate of thirty (30) cents per folio of one hundred words; provided, however, that on any day when the Convention is in session and the reporting of the proceedings does not amount to the sum of ten dollars, a per diem of ten (10) dollars is to be allowed us by the Convention to cover expenses. Payment

for all work done within any two weeks shall be made at the end of such two weeks.

Yours respectfully,

Charles G. Guyer,
E. C. Hardesty.

CHARLES B. EVANS,
ROBERT W. DASEY,
E. N. MOORE.

Mr. Spruance moved that this report be laid on the table for further consideration.

Mr. Harman moved that the privilege of the floor be granted Messrs. Guyer and Hardesty to explain the nature of the charges for stenographic work.

Pending the discussion Mr. Spruance withdrew his motion.

Whereupon Mr. Harman's motion Prevailed.

After explanations by Messrs. Guyer and Hardesty, Mr. Spruance renewed his motion as follows:

That the consideration of the report be postponed until Monday, and the committee continued.

On the question of the adopting of the motion the yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Cavender, Cooch, Dasey, Donahoe, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Pratt, Richards, Saulsbury, Sapp, Spruance, Wright, Mr. President.

Nays—Messrs. Bradford, Ellegood, Harman.

Yeas, 20; nays, 3.

So the question was decided in the affirmative, and the motion, having secured the required majority, prevailed.

Mr. Saulsbury moved that Messrs. Guyer and Hardesty

be employed upon the terms named until the close of next week's sessions, time commencing from the first of the session,

Which motion Prevailed.

Mr. Donahoe, on behalf of the Committee on Place of Meeting, made the following report, viz.:

To the President and Delegates of the Constitutional Convention, Gentlemen: Your committee to whom was referred the subject of securing permanent quarters for the meetings, beg leave to report that we have considered the matter, and find that the second story of the new Library Building is the most, if not the only, obtainable place for the above purpose, but considerable preparation will be necessary to put it in proper condition for the meetings of this body. We therefore recommend that a committee of three be appointed and empowered to prepare and furnish said room in a suitable manner for the meetings of this Convention.

A. L. JOHNSON.
JOHN P. DONAHOE,

Mr. Spruance moved that the report be adopted, the committee continued and authorized to proceed in the preparation and furnishing of the room in a manner suitable for the occupation of the Convention,

Which motion Prevailed.

Mr. Cavender moved that when this Convention adjourn, it adjourn to meet on Monday, December 7th, at 2 p. m.,

Which motion Prevailed.

Mr. Evans reported that Messrs. Guyer and Hardesty would comply with the request of the Convention and continue their work next week.

Mr. Burris, on behalf of the Committee on Rules, reported, recommending that the Rules governing the last House of Representatives in this State be adopted as the Rules of this Convention, in conjunction with Cushing's Manual, where Cushing's Manual does not conflict with the Rules of the House of Representatives, and moved its adoption,

Which motion Prevailed.

Mr. Bradford moved that the vote just taken be reconsidered, and referred back to the Committee,

Which motion Prevailed.

The President stated that the motion is reconsidered and the matter is referred back to the Committee.

Motion to adjourn prevailed.

Monday, December 7, 1896.
2 o'clock, p. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Martin, Moore, Orr, Pratt, Richards, Saulsbury, Sapp, Spruance, Wright, Mr. President.

Journal of the last meeting read and, after correction, approved.

Mr. Martin moved that the proceedings of the Convention be recorded as the "Minutes of the Convention."

Mr. Spruance moved to amend by inserting the word "Journal" in place of the word "Minutes,"

Which amendment Prevailed.

The motion, as amended, Prevailed.

Mr. Pratt moved that the question of recess or adjournment until afternoon be referred to the Committee on Rules,

Which motion Prevailed.

Mr. Bradford moved that the standing Committee on the Judiciary consist of eight members, instead of six,

Which motion Prevailed.

Mr. Saulsbury, on behalf of the Committee to invite the Rev. Walter E. Avery to act as Chaplain, reported that they had performed their duty and that Mr. Avery had signified his acceptance.

Mr. Hearne moved that the report be adopted and the committee discharged,

Which motion Prevailed.

Mr. Pratt, on behalf of the Committee on Oath, reported as follows:

The committee appointed to inquire whether an oath should be taken by the members of this Convention, respectfully report as follows:

Neither the act under which this Convention was called nor any other act of the General Assembly makes any provision upon the subject.

Article VI of the Constitution of the United States requires that Senators and Representatives in Congress, members of the State Legislatures, and all executive and judicial officers of the United States and of the several States, shall be bound by oath or affirmation to support the Constitution of the United States.

Article VIII of the Constitution of this State requires that members of the General Assembly and all officers, executive and judicial, shall be bound by oath or affirmation to support the Constitution of this State and to perform the duties of their respective offices with fidelity.

Article IX of the Constitution of 1791 is precisely the same as Article VIII of the present Constitution.

The Convention of 1831 considered this subject and determined that the Delegates to that Convention were not

included within either of the above mentioned Constitutional provisions.

Upon examining the minutes of the Conventions of 1791, 1831 and 1852, your committee do not find that the Delegates to either of those Conventions took an oath of office.

The practice in other States is not uniform. Jamison in his work on Constitutional Conventions states that "The question whether the members of a Convention should be sworn before entering upon their duties, has been variously answered in different Conventions. Of the whole number whose proceedings have been accessible to me, about one-half only have administered an oath."

Your committee are of the opinion that neither of the above recited provisions of the Constitution of the United States, or of this State, are applicable to Delegates to this Convention; that any oath of office which this Convention might prescribe to be taken by the Delegates would be extra judicial or voluntary; and that the Convention could not lawfully exclude from participation in its proceedings any Delegate who should refuse to take such an oath.

Your committee therefore recommend that no official oath be required to be taken by the Delegates to this Convention.

NATHAN PRATT,
W. C. SPRUANCE,
J. A. ELLEGOOD.

Mr. Martin moved the report be adopted and the committee discharged,

Which motion Prevailed.

The President announced the following Committee on Invitation to the floor of the Convention:

Messrs. Dasey, Burris and Cooch.

The President announced the standing committees as follows:

1.—On the Legislature:

Messrs. Richards, Martin, Murray, Saulsbury, Bradford and Cooch.

2.—On the Governor and other Executive Officers:
Messrs. Hearne, Cannon, Cooper, Smithers, Johnson and Spruance.

3.—On the Judiciary:

Messrs. Spruance, Evans, Bradford, Cavender, Richards, Hearne, Burris and Martin.

4.—On Elections:

Messrs. Harman, Spruance, Cavender, Hering, Ellegood and Cannon.

5.—On Securing the Purity of the Ballot:

Messrs. Bradford, Evans, Carlisle, Cooper, Wright and Dasey.

6.—On Corporations:

Messrs. Pratt, Clark, Dasey, Richards, Donahoe and Burris.

7.—On Crimes, Punishments and Impeachments:
Messrs. Moore, Cooch, Smithers, Sapp, Gilchrist and Johnson.

8.—On Agriculture:

Messrs. Horsey, Wright, Pratt, Clark, Harman and Moore.

9.—On Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions:

Messrs. Orr, Martin, Carlisle, Sapp, Burris and Harman.

10.—On Accounts:

Messrs. Saulsbury, Murray, Donahoe, Gilchrist, Ellegood and Orr.

Mr. Hearne moved that the Secretary have 500 copies of the list of the standing committees printed for the use of the Convention,

Which motion Prevailed.

Mr. Cooper, on behalf of the Committee on Rules, moved that the parliamentary rules as laid down in Cushing's Manual be adopted as the rules governing this Convention at present,

Which motion Prevailed.

Mr. Saulsbury moved that the two committees, viz: Committee on arranging Order of Business and Committee on Rules, be continued and added to the list of standing committees,

Which motion was Withdrawn.

The following communication to the President was read:

Middletown, Del., Dec. 3, 1896.

To the Members of the Constitutional Convention,
Dover, Delaware.

Whereas, The Delegates now in Convention, at Dover, Delaware, for the purpose of making a new Constitution for our State, and

Whereas, An earnest desire has been expressed by many of our citizens that the principle of the referendum or local option may be incorporated in the new Constitution, therefore be it

Resolved, That the Sunday School delegates of the Evangelical denominations in New Castle county, now in session at Middletown, Delaware, do petition the members of the Constitutional Convention to incorporate the principle of the referendum, or local option, in the new Constitution, and be it further

Resolved, That a copy of this action be sent to the President of the Convention.

WILLIAM H. CROSBY, President.
CHARLES H. GRAY, Secretary.

Mr. Ellegood moved that a special committee to consist of six members be appointed to deal with the question of the Manufacture and Sale of Intoxicating Liquors,

Which motion Prevailed.

Motion to adjourn prevailed.

Tuesday, December, 8, 1896.
11 o'clock a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Sapp, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Bradford, on behalf of the standing Committee on the Judiciary, moved that this committee be increased two members,

Which motion Prevailed.

Mr. Horsey, on behalf of the standing Committee on Agriculture, moved that this committee be increased two members,

Which motion Prevailed.

Mr. Dasey, on behalf of the committee on invitation to the privilege of the floor, reported being unable to perform at present the duty required.

Mr. Evans, on behalf of the committee on stenographer, moved that it is advisable for the Convention to continue the engagement of Messrs. Guyer and Hardesty for another week, from the time of our next weekly meeting to the time of our next weekly adjournment,

Which motion Prevailed.

Mr. Evans moved that a standing committee of three be appointed on printing,

Which motion Prevailed.

The President announced the following as a special Committee on Manufacture and Sale of Intoxicating Liquors:

Messrs. Ellegood, Cannon, Horsey, Hering, Evans and Carlisle.

The President announced the following addition to the Committee on Judiciary,

Messrs. Harman and Murray.

To the Committee on Agriculture:

Messrs. Gilchrist and Cavender.

He also announced the following as the Committee on Printing:

Messrs. Evans, Hering and Dasey.

Mr. Ellegood moved that 500 copies of the standing and special committees as they now stand be printed,

Which motion Prevailed.

Mr. Saulsbury moved that the Convention do now adjourn until to-morrow morning at 11 o'clock,

Which motion Prevailed.

Wednesday, December 9, 1896.
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Cannon, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Cooper, on behalf of the Committee on Rules, submitted the following report and read the same as follows:

Rule 1.—Every member shall be in his place at the time to which the Convention stands adjourned.

Rule 2.—Every day, before the Convention proceeds to other business, the Chaplain shall offer prayer and the Secretary shall call the names of the members in alphabetical order and read the journal of the previous session, which latter shall be corrected if necessary and adopted.

Rule 3.—Every motion, and (except motion for adjournment) the name of the member moving the same, on which a vote is taken, shall be entered on the journal.

Rule 4.—No member shall be allowed to speak upon any subject more than twice, except in explanation, without leave obtained through the President, and no member shall interrupt another while speaking, unless on points of order, and then only by permission of the President.

Rule 5.—All motions shall be subject to debate except motions to adjourn, to lay on the table, and for the previous question.

Rule 6.—All motions and resolutions except for the reading of reports, adjournments, to refer, or to postpone shall, if requested by the President or any member, be reduced to writing by the mover thereof, and, if seconded, shall be repeated by the President before any debate or decision is had thereon.

Rule 7.—Questions of order shall be determined by the President, without debate, from whose decision, however, an appeal may be had to the Convention at the request of three members.

Rule 8.—Petitions, memorials and all other papers addressed to the Convention, shall be presented by the President or a member,who shall briefly state the contents thereof without reading, unless called for by the Convention.

Rule 9.—All committees shall be appointed by the President unless otherwise ordered by the Convention.

Rule 10.—Special notice of action on any report of committee or other matter pertaining to the special ultimate work of the Convention,—i. e., the framing of a new Constitution,—shall be given the day preceding that on which said action is taken, and a vote of two-thirds of the members present shall be necessary to its adoption.

Rule 11.—A vote of the majority shall prevail except where special rule is had to the contrary.

Rule 12.—Unless otherwise ordered by a majority vote, the Convention shall meet every day, in one or more sessions as may be necessary—Sunday excepted—at eleven o'clock in the morning, and a majority shall constitute a quorum.

Rule 13.—The rules of parliamentary practice as contained in "Cushing's Manual" shall govern this Convention whenever and wherever applicable, and when not in conflict with the standing rules.

Rule 14.—The rules of proceeding in the Convention shall, as far as applicable, be observed in Committee of the Whole.

Rule 15.—No rule of this Convention shall be changed or suspended except by a vote of two-thirds of the members present.

Rule 16.—The daily order of business shall be, after the opening service, as follows:

1.—Calling the roll.

2.—Reading the journal and its adoption.

3.—Reports from standing committees in the order named.

4.—Reports from special committees.

5.—Presentation of petitions, memorials, &c.

6.—Business on the calendar.

7.—Miscellaneous business.

The Secretary shall keep a calendar of business, on which reports from committees, resolutions and other matters undisposed of, indicating the subject of each item, shall be placed in the order in which they are presented, a copy of which calendar he (Secretary) shall furnish to the President at the opening of the first session of each day. The business on the calendar shall be taken up and disposed of in the order in which it stands thereon, and a vote of two-thirds of the members present shall be required to take up any matter out of its order on said calendar or to make any matter the order of the day for a particular time.

And further, Mr. Cooper moved the adoption of the rules as read.

Mr. Spruance moved that the motion to adopt the rules lie on the table for further consideration,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing be instructed to furnish, as soon as practicable, 50 copies of the rules as submitted,

Which motion Prevailed.

Mr. Pratt offered a resolution, which, on his motion, was read as follows:

Resolved, That the Secretary of the Convention be authorized to purchase for the use of the Convention, ten sets of the work entitled, "American Constitutions," published by the Argus Company, of Albany, New York.

And further, on his motion, the resolution was adopted.

Mr. Donahoe, on behalf of the committee on place of meeting, made a verbal report, stating that four of the largest firms in the City of Wilmington were invited to submit bids, of which three had complied and submitted bids, giving $945, $935 and $824, respectively for supplies, which are to include not less than thirty desks, thirty chairs, speaker's stand, secretary's and reporters' desks, 200 yards of carpeting, &c. And he further stated that the gas fixtures have not yet been provided for, but that the heating contract had been let for the sum of $200, and was now in course of construction, and that the committee desired at this time further instructions from the Convention.

Mr. Cooper moved that the committee on place of meeting be instructed to inquire into the feasibility of renting furniture necessary for the use of the Convention, and report at the earliest practicable time,

Which motion Prevailed.

The following communication to the President was read:

Dover, Delaware, December 9, 1896.

To the Honorable Members of the Constitutional Convention.

Gentlemen:--In forming a new Constitution for our State of Delaware, we most earnestly request that you will so change the present Constitution as to enfranchise the women of our beloved State.

As you remember, Delaware was the first State to come into the Union, so now let her continue to be progressive and take this important step, giving the ballot to all citizens irrespective of sex.

This request is made by a large number of men and women in this Commonwealth that wish to see Delaware indeed a free State.

Respectfully yours,

MARTHA S. CRANSTON,

President Delaware Equal Suffrage Association.

Mr. Cooch moved that the communication be referred to the Committee on Elections,

Which motion Prevailed.

Mr. Pratt moved that a standing committee to consist of six members be appointed on Revenue and Taxation,

Which motion Prevailed

Mr. Bradford moved that when the Convention adjourn, it be to meet to-morrow afternoon at 2 o'clock,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, December 10, 1896.
2 o'clock p. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Cannon, Cavender, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Martin, Moore, Murray, Orr, Richards, Sapp, Saulsbury, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Donahoe, on behalf of the Committee on Place of Meeting, gave the following verbal report:—That, having visited four of the largest firms in the City of Wilmington, and after interviewing them, all declined to rent any furniture, but that the Committee had procured a lower estimate than had been previously submitted, as follows:

30 Oak tables with drawer and lock, @ $3.00 each.

30 Oak revolving arm chairs with springs, @ $3.25 each, or, Oak arm chairs with leather cushions, @ $2.00 each.

14 Window shades, @ $1.00 each.

140 Square yards of Napier matting with lining and put down properly on the floor, @ 40c per sq. yard.

Mr. Donahoe moved the adoption of this report.

Mr. Bradford moved to amend the motion by referring the matter back to the committee with power to act,

Which motion was withdrawn.

No objection being offered, Mr, Donahoe was permitted to withdraw his motion.

Whereupon Mr. Spruance moved that the Committee on Place of Meeting be instructed to proceed with the work of fitting up the room at an expense not to exceed the sum of $600,

Which motion Prevailed.

The President announced the following Committee on Revenue and Taxation:

Messrs. Pratt, Clark, Cooch, Moore, Hearne and Orr.

Mr. Gilchrist moved that a special Committee, consisting of three members, be appointed, on Education,

Which motion Prevailed.

Mr. Richards moved that when this Convention adjourn, it adjourn to meet next Wednesday morning at 11 a. m.

Mr. Bradford moved to amend, that we insert to-morrow morning in place of Wednesday morning,

Which amendment Prevailed.

Motion to adjourn prevailed.

Friday, December 11, 1896.

11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Cannon, Cooch, Cooper, Ellegood, Gilchrist, Hearne, Johnson, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Spruance, Mr. President.

Journal read and approved.

Mr. Richards moved that the communication received from the Sunday School delegates in New Castle county on Monday the 7 inst., be referred to the Committee on Manufacture and Sale of Intoxicating Liquors,

Which motion Prevailed.

The President announced the following as a Special Committee of three on Education,

Messrs. Gilchrist, Cooper and Johnson.

Mr. Spruance moved that when this Convention adjourn it will be to meet Thursday morning next at 11 o'clock.

Mr. Saulsbury moved to amend by striking out Thursday and inserting Wednesday,

Which motion to amend was seconded and

The amendment Prevailed.

The question then recurring on the original motion, as amended, it prevailed.

Mr. Saulsbury presented a bill from the Postmaster at Dover of $72.58, and moved that it be referred to the Committee on Accounts,

Which motion Prevailed.

Motion to adjourn prevailed.

Wednesday, December 16, 1896.

11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury presented a bill of fifty ($50) dollars from the Argus Publishing Company, of Albany, New York, and moved that it be referred to the Committee on Accounts,

Which motion Prevailed.

Mr. Cooper moved that the Convention take up the rules for consideration,

Which motion Prevailed.

Mr. Cooper, on behalf of the Committee on Rules, stated the committee desired to strike out from Rule 10, the following, "and a vote of two-thirds of the members present shall be necessary to its adoption."

No objections being offered, the President announced that portion of Rule 10 stricken out.

Mr. Cooper moved that the rules be taken up seriatim for consideration.

Mr. Pratt moved that the rules be re-committed to the committee for further consideration, with the request that they examine the rules governing the Conventions of 1831 and 1852,

Which motion Prevailed.

Mr. Spruance moved that the Convention adjourn until 4 o'clock this afternoon,

Which motion Prevailed.

Same Day, 4 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Donahoe, on behalf of the committee on place of meeting, reported progress, and announced that they were ready to order the supplies for furnishing the room, and that the cost would come within the sum allowed.

Mr. Donahoe presented a price list of publications relating to Constitutional Convention work, which by permission he read, and further moved that it be referred to the Committee on Printing,

Which motion Prevailed.

Mr. Hearne, on behalf of the Committee on the Governor and other Executive Officers, submitted and read the following report, viz:

The Committee on the Governor and other Executive Officers recommend the following amendments to the Constitution:

Strike out all of Section 9 of Article III and substitute, in lieu thereof, the following:

"Section 9. He shall have the power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Chancellor, Speaker of the Senate, Attorney General and Secretary of State, or any three of them,

after full hearing, and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof."

Strike out the word "second" in the last line of Section 3 of Article III, and insert in lieu thereof the word "third."

Insert next after the end of Section 13 of Article III, the following:

"Section 14. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve he shall sign it, but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both

Houses of the General Assembly may be necessary (except on a question of adjournment) shall be presented to the Governor; and before the same shall take effect shall be approved by him, or being disapproved by him shall be repassed by two-thirds of all the members of each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill."

EDWARD D. HEARNE,
WILLIAM A. CANNON,
E. W. COOPER,
A. L. JOHNSON,
W. C. SPRUANCE.

Mr. Hearne moved that the report be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Cooch moved that 500 copies of the report be printed,

Which motion Prevailed.

Mr. Cooper, on behalf of the Committee on Rules, reported that they complied with the request of the Convention, and moved that the rules be taken up and disposed of seriatim,

Which motion Prevailed.

Mr. Saulsbury moved that the Secretary read the rules and the President state if no objections be made the rules as read shall be adopted,

Which motion Prevailed.

The Secretary proceeded with the reading of the rules as called for by the President, as follows:

Rule 1.—Every member shall be in his place at the time to which the Convention stands adjourned.

This rule was read. There being no objections it was declared adopted as read.

Rule 2.—Every day before the Convention proceeds to other business, the Chaplain shall offer prayer and the Secre-

tary shall call the names of the members in alphabetical order and read the journal of the previous session, which latter shall be corrected if necessary and adopted.

This rule was read. There being no objections it was declared adopted.

Rule 3.—Every motion, and (except motion for adjournment) the name of the member moving the same, on which a vote is taken, shall be entered on the journal.

This rule was read. There being no objections it was declared adopted as read.

Rule 4.—No member shall be allowed to speak upon any subject more than twice, except in explanation, without leave obtained through the President, and no member shall interrupt another while speaking, unless on points of order, and then only by permission of the President.

This rule was read. Mr. Bradford moved to amend it by adding, "Provided that this rule shall not be applicable to the Committee of the Whole,"

Which motion Prevailed.

And Rule 4 as amended was then declared adopted as read and amended.

Rule 5.—All motions shall be subject to debate except motions to adjourn, to lay on the table, and for the previous question.

This rule was read. There being no objections it was declared adopted as read.

Rule 6.—All motions and resolutions except for the reading of reports, adjournments, to refer, or to postpone shall, if requested by the President or any member, be reduced to writing by the mover thereof, and, if seconded, shall be repeated by the President before any debate or decision is had thereon.

This rule was read. There being no objections it was declared adopted as read.

Rule 7.—Questions of order shall be determined by the President, without debate, from whose decision, however, an appeal may be had to the Convention at the request of three members.

This rule was read. There being no objections it was declared adopted as read.

Rule 8.—Petitions, memorials and all other papers addressed to the Convention, shall be presented by the President, or a member, who shall briefly state the contents thereof without reading, unless called for by the Convention.

This rule was read. There being no objections it was declared adopted as read.

Rule 9.—All committees shall be appointed by the President unless otherwise ordered by the Convention.

This rule was read. There being no objections it was declared adopted as read.

Rule 10.—Special notice of action on any report of committee or other matter pertaining to the special ultimate work of the Convention,—i. e., the framing of a new Constitution,—shall be given the day preceding that on which said action is taken.

Was read.

Mr. Saulsbury moved to substitute for Rule 10, by striking all out after the words Rule 10, and inserting in lieu thereof the following:

"Before final action shall be taken on any report of any committee, or any other motion pertaining to any proposed alteration or amendment to the present Constitution, or to the incorporation of any provision in any proposed new Constitution, at least three days notice shall be given."

Mr. Spruance moved that further consideration of Rule 10 and the amendment offered by Mr. Saulsbury be postponed until the next meeting of the Convention,

Which motion Prevailed.

Rule 11.—A vote of the majority shall prevail, except where special rule is had to the contrary.

This rule was read. There being no objections it was declared adopted as read.

Rule 12.—Unless otherwise ordered by a majority vote, the Convention shall meet every day, in one or more sessions, as may be necessary—Sunday excepted—at eleven o'clock in the morning, and a majority shall constitute a quorum.

This rule was read. There being no objections it was declared adopted as read.

Rule 13.—The rules of parliamentary practice as contained in "Cushing's Manual" shall govern this Convention whenever and wherever applicable, and when not in conflict with the standing rules.

This rule was read. There being no objections it was declared adopted as read.

Rule 14.—The rules of proceeding in the Convention shall, as far as applicable, be observed in Committee of the Whole.

This rule was read. Mr. Bradford moved that Rule 14 be stricken out,

Which motion Was Lost.

And Rule 14 was then declared adopted as read.

Rule 15.—No rule of this Convention shall be changed or suspended except by a vote of two-thirds of the members present.

This rule was read. There being no objections it was declared adopted as read.

Rule 16.—The daily order of business shall be, after the opening service, as follows:

1.—Calling the roll.

2.—Reading the journal and its adoption.

3—Reports from standing committees in the order named.

4.—Reports from special committees.

5.—Presentation of petitions, memorials, &c.

6.—Business on the calendar.

7.—Miscellaneous business.

The Secretary shall keep a calendar of business on which reports from committees, resolutions and other matters undisposed of, indicating the subject of each item, shall be placed in the order in which they are presented, a copy of which calendar he (Secretary) shall furnish to the President at the opening of the first session of each day. The business on the calendar shall be taken up and disposed of in the order in which it stands thereon, and a vote of two-thirds of the members present shall be required to take up any matter out of its order on said calendar or to make any matter the order of the day for a particular time.

This rule was read. There being no objections it was declared adopted as read.

Mr. Cooper moved that the rules be now adopted as a whole, with the exception of Rule 10,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, December 17, 1896.
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Spruance, Wright, Mr. President.

Journal read.

Rule No. 4 corrected to read, "not to be applicable to the Committee of the Whole."

The Journal was then approved as corrected.

Mr. Spruance, on behalf of the Committee on Elections, submitted a report which he read as follows:

The Committee on Elections recommend the following amendments to the Constitution:

Strike out the part of the third paragraph of Section I of Article IV beginning with the words "And in," and ending with the words "any tax," and insert in lieu thereof the following:

"Every male citizen of the United States of the age of twenty-one years, who shall have been a citizen for three months, and a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, for all officers

that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people."

Insert next after Section I of Article IV, the following:

"Section 2. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm, before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election."

Section 3. The General Assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this article, which registration shall be conclusive evidence to the election officers of the right of every person thus registered to vote at any election thereafter held in this State, who is not disqualified under the provisions of the second section of this article; but no person shall vote at any election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than ninety days nor less than sixty days before, and be completed not more than twenty days nor less than ten days before such election, and applications for registration may be made on at least five days during the said period.

Voters shall be registered upon personal application only, and each voter shall at the time of his registration pay a registration fee to be fixed by law, not exceeding———dollars.

The registry of voters, made in pursuance hereof, may be corrected as shall be provided by law.

Registration shall not be required for village, town or city elections except by express provision of law.

The existing laws in reference to the registration of voters shall continue in force until the General Assembly shall otherwise provide."

Make Section 2 of Article IV, Section 4.

W. C. SPRUANCE,
W. T. CAVENDER,
J. A. ELLEGOOD,
W. A. CANNON.

Mr. Spruance moved that the report be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing be instructed to have 500 copies of the report printed,

Which motion Prevailed.

Mr. Spruance moved that the consideration of Rule 10 be taken up,

Which motion Prevailed.

Mr. Spruance moved to amend the substitute for Rule 10 as offered by Mr. Saulsbury yesterday as follows:

"Special notice of a motion for final action upon any proposed amendment or alteration of the Constitution shall be given not less than two days prior to such motion."

Which amendment was accepted by Mr. Saulsbury and this amendment was accordingly substituted for that of Mr. Saulsbury.

Mr. Bradford moved that the matter now under consideration be laid on the table,

Which motion Prevailed.

Mr. Cavender offered and read the following resolution:

"Resolved, That all resolutions, reports of committees, proposed amendments to the Constitution ordered to be printed by this Convention, shall, when so printed, be delivered to the Secretary of this Convention and by him divided equally among the members of this Convention.

And further, on his motion, the resolution was adopted.

Mr. Bradford offered the following resolution, which, on his motion, was read:

"Resolved, That the American flag be raised and kept raised above the State House during the sessions of this Convention.

And further, on his motion, the resolution was adopted.

Mr. Evans presented a bill of Guyer & Hardesty, Stenographers, for $163.40 for two weeks' Convention work.

And further, on his motion, the bill was referred to the Committee on Accounts.

Mr. Saulsbury moved that the Convention now take a recess until 4 o'clock, p. m.,

Which motion Prevailed.

Same Day, 4 o'clock, p. m.

Convention reassembled.

Owing to the absence of the President, the Convention was called to order by the Secretary.

Mr. Evans moved that Mr. Cooch be elected President pro tempore,

Which motion Prevailed.

Mr. Saulsbury, on behalf of the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred bills of Thomas M. Gooden, Postmaster of Dover, for $72.58; of The Argus Company, of Albany, N. Y., for $50.00, and of Guyer & Hardesty, for $163.40, respectfully reports that said bills have been examined and found correct, and the Committee recommends the adoption by the Convention of the following resolution:

"Resolved, That the following bills in part payment of the contingent expenses of the Convention be allowed, and the presiding member be authorized to draw appropriate orders for the payment of the same:

Thomas M. Gooden, Postmaster, ...$ 72.58.
The Argus Company, ... 50.00.
Guyer & Hardesty, ...163.40.

Mr. Evans moved that the bills be accepted and ordered paid,

Which motion Prevailed.

Mr. Bradford moved that when this Convention adjourn, it will be to meet on Monday the 4th day of January, 1897, at 11 o'clock a. m.

Mr. Martin moved to amend by inserting Monday, December 28, 1896,

Which amendment was Lost.

Recurring to the original motion it prevailed.

Mr. Dasey moved that at the request of the chairmen the standing and special committees meet during the adjournment period,

Which motion Prevailed.

Mr. Evans, on behalf of the committee on stenographer, moved that the present arrangement with Messrs. Guyer and Hardesty be continued for the week commencing January 4, 1897,

Which motion Prevailed.

Mr. Richards moved that the Secretary be directed to send to each member one dozen copies of the report of the Committee on Elections,

Which motion Prevailed.

Mr. Evans presented a bill of $2.10 from Adams Express Company, and, further, on his motion, it was referred to the Committee on Accounts.

Motion to adjourn prevailed.

Monday, January 4, 1897.
11 o'clock, a. m.

Convention met pursuant to adjournment and was called to order by the Secretary.

Mr. Dasey moved that J. Wilkins Cooch act as President pro tempore,

Which motion Prevailed.

Prayer by the Chaplain.

Roll called. Members present:—Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Donahoe, on behalf of the committee on place of meeting, reported progress, by furnishing this room temporarily until the new desks could be completed, as being the best they could possibly do.

Mr. Donahoe moved that the Convention take charge of the ante room, adjoining this room, for use as a cloak room, and that the Sergeant-at Arms be authorized to take charge of the same,

Which motion Prevailed.

Mr. Ellegood moved that the committee now furnishing the room be further instructed to purchase a clock for use of the Convention,

Which motion Prevailed.

Mr. Richards moved to adjourn until 2 o'clock, p. m.,

Which motion Prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Bradford, on behalf of the Committee on Securing the Purity of the Ballot, submitted the following report, which, upon his motion, was read, viz:

First report of the Committee on Securing the Purity of the Ballot:

The Committee on Securing the Purity of the Ballot recommend the adoption of the following as sections in the Constitution of Delaware, to be inserted under an appropriate title:

Section 1. Every person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding or in any manner influencing the giving or withholding a vote at any general, special, or municipal election in this State, or who shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such election, or who shall by the use or promise of any money or other valuable thing or otherwise cause any officer of election or registration officer to violate his official duty, or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty, shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than six months nor more than five years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court, and, if a male, shall further for a term of ten years next following his sentence be

incapable of voting at any such election. No person, other than the accused, shall in the prosecution for any offence mentioned in this section be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Section 2. Every prosecution for any of the offences mentioned in Section 1 of this Article shall be on information filed by the Attorney General, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or a petit jury. The accused, if adjudged guilty of the offence charged against him, shall have the right at any time within the space of three calendar months next after sentence pronounced to an appeal to the Court of Errors and Appeals. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not operate as a supersedeas, unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge.

On such appeal the Court of Errors and Appeals shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein and the law applicable thereto, and give final judgment accordingly, either affirming or reversing the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Court of Errors and Appeals shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Court of Errors and Appeals, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have

the right, at any time after its approval and until final judgment shall be rendered by the Court of Errors and Appeals, and, in case the judgment of the court below shall be affirmed, until the expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the proper county; and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for such taking and rendering.

All the judges entitled to sit in the Court of Errors and Appeals shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof; providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same when so printed or reduced to writing and of copies thereof, for the copying and certification of all documentary or other written or printed evidence in the cause in the court below and of the record therein; for the transmission to the Court of Errors and Appeals of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court; for the transmission to the court below of a certified copy of the final judgment of the Court of Errors and Appeals and of any additional sentence pronounced by said court, for the discharge of sureties in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Court of Errors and Appeals and the court below in cases of appeal under this section. From time to time hereafter whenever a majority of all the judges entitled to sit in the Court of Errors and Appeals shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court; and they, or a majority of them, shall have power to revise, amend, add to or annul any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section in such manner and to such extent as

in their judgment shall best serve to effectuate the purposes hereof.

EDWARD G. BRADFORD,
CHARLES B. EVANS,
PARIS T. CARLISLE, JR.,
ISAAC K. WRIGHT,
E. W. COOPER,
ROBERT W. DASEY.

Mr. Bradford moved that the report be laid on the table, and that the Committee on Printing have 500 copies of the same printed,

Which motion Prevailed.

Mr. Smithers, on behalf of himself and Messrs. Clark, Carlisle and Hering, stated the reasons for absenting themselves from the Convention until the present time.

Mr. Clark moved that the remarks of Mr. Smithers be spread on the journal.

Mr. Martin moved that they be laid on the table,

Which motion Was Lost.

Recurring to the original motion, the yeas and nays were ordered, which, being taken, were as follows:

Yeas.—Messrs. Carlisle, Clark, Hering, Smithers.

Nays.—Messrs. Bradford, Burris, Cannon, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Johnson, Martin, Moore, Pratt, Richards, Sapp, Spruance, Wright, Mr. President.

Yeas, 4; nays, 21.

So the question was decided in the negative and the motion

Was Lost.

Mr. Cooper moved to take up Rule 10,

Which motion Prevailed.

The Secretary, being directed by the President, read Rule 10 and amendments, and upon the motion being put, Rule 10 as amended by Mr. Spruance,

Was Adopted.

Mr. Cooper moved that the Secretary be directed to have 100 copies printed in small pamphlet form, containing a list of members and officers, all standing and special committees now appointed, and the rules as adopted,

Which motion Prevailed.

Mr. Cooper moved that a committee of six members be appointed on the Bill of Rights,

Which motion Prevailed.

Mr. Gilchrist moved that the Committee on Education be increased to six members, and to be known as a standing instead of a special committee,

Which motion Prevailed.

Mr. Ellegood moved that the Committee on Manufacture and Sale of Intoxicating Liquors be increased to eight members,

Which motion Prevailed.

Mr. Donahoe moved that there be ten sets of the Constitution of the State of New York, of 1894, and the debates on the same procured for the use of this Convention.

Mr. Saulsbury moved to amend by authorizing the Secretary to purchase a copy of the Constitution of the State of New York of 1894 for each member,

Which amendment was accepted by Mr. Donahoe.

And the motion, as amended, Prevailed.

Mr. Pratt moved that the Convention have 100 copies of the Constitution of 1852-3 printed for the use of the members.

Mr. Pratt also moved that this matter be referred to the Committee on Printing, to ascertain the cost of 100 copies, also 500 copies,

Which motion Prevailed.

Mr. Cavender submitted the following resolution, which, upon his motion, was read, viz:

Resolved, That the Chairman of the Judiciary Committee, after having conferred with the chairmen of the respective standing committees, be and he is hereby authorized and empowered to arrange a schedule for meetings of the various committees and advance the business of the Convention.

Mr. Spruance submitted and read the following resolution as an amendment:

Resolved, That the chairmen of the respective committees be requested to confer with a view to such an arrangement of the meetings of said committees as will avoid conflict and advance the business of the Convention.

Which amendment was accepted by Mr. Cavender.

And the resolution, as amended, Was Adopted.

Mr. Evans, on behalf of the Committee on Printing, reported that 100 copies of the Constitution of 1852-3 can be had for $30.00, or 500 copies for $35.00.

Mr. Richards moved that the Committee on Printing be authorized and directed to have 500 copies of the Constitution of 1852-3 printed for this Convention,

Which motion Prevailed.

Mr. Donahoe moved that the committee on furnishing the room procure a water cooler,

Which motion Prevailed.

Mr. Saulsbury moved that the Sergeant-at Arms procure ice daily for use in the cooler,

Which motion Prevailed.

Mr. Donahoe moved that the desks now in the hall be retained for the permanent use of the Convention.

Mr. Hearne moved that this motion be laid on the table,

Which motion Prevailed.

Mr. Spruance moved that the Convention resolve itself now into a Committee of the Whole to consider the report of the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The President thereupon vacated the chair, and called Mr. Evans to the same.

The members of the Convention then proceeded as a Committee of the Whole to consider the report made by the standing Committee on the Governor and Other Executive Officers.

Mr. Evans, as Chairman of the Committee of the Whole, was instructed to report to the Convention that they had had under consideration the report of the standing Committee on the Governor and Other Executive Officers, and to report progress to the Convention and ask leave to sit again.

The Committee of theWhole then rose, and upon the President taking the chair, Mr. Evans reported that the Committee of the Whole have, according to order, had under consideration the report of the standing Commmittee on the Governor and Other Executive Officers, and have made some progress therein, but not having had time to go through with the same have directed him to ask leave for that committee to sit again.

Mr. Spruance moved that the Committee of the Whole be given leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Tuesday, January 5, 1897.
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford,Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Dasey, on behalf of the committee on invitation to the privilege of the floor, reported that they have performed the duties required of them.

Mr. Saulsbury moved that the report be accepted and the committee discharged,

Which motion Prevailed.

Mr. Gilchrist submitted the following communication from "The National League for the Protection of American Institutions," which, upon his motion, was read, viz:

New York, Dec. 9, 1896.

Hon. James B. Gilchrist, Dover, Delaware,

Dear Sir:—The Managers of the National League for the Protection ofAmerican Institutions take the liberty of forwarding to you the inclosed documents, which will advise you of the principles we advocate.

We desire especially to call your attention to our proposed form of XVI Amendment to the United States Constitution, which is now before Congress, and reads as follows:

"Neither Congress nor any State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use the property or credit of the United States, or of any State, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination or religious society, or any institution, society, or undertaking, which is wholly, or in part, under sectarian or ecclesiastical control."

We would most respectfully urge that it is of vital importance that the principles embodied in this proposed Amendment should find expression in the organic law of every State.

Twenty-six State Constitutions now contain provisions substantially in harmony with these principles, and we earnestly believe that it will be both wise and patriotic that you should, in the Constitution that you are now preparing for Delaware, provide for and protect the American Free Common School, and prohibit all sectarian appropriations.

The organization in whose behalf we have the honor of making this appeal is entirely open in its work, thoroughly non-partisan and un-sectarian in character, and has the confidence and endorsement of the most thoughtful citizens in every State of the Union.

A formal Memorial has been mailed to the President of the Convention, and we urgently plead for your favorable consideration and action.

Respectfully,

JAMES M. KING, General Secretary,

For the National League for the Protection of American Institutions.

Mr. Moore moved that the communication be referred to the Committee on Education,

Which motion Prevailed.

Mr. Hearne moved that the Convention now resolve itself into a Committee of the Whole to further consider the report of the Committee on the Governor and Other Executive Officers.

Permission being asked, and no objection being offered, the motion of Mr. Hearne was permitted to be withdrawn for the present.

Mr. Johnson moved that a stenographic report of the Committee of the Whole be not taken.

Mr. Spruance moved that this motion be laid on the table for further consideration.

Permission being asked, and no objection being offered, the motion of Mr. Spruance was withdrawn.

Mr. Bradford moved that the further consideration of this motion be postponed until the afternoon session to-day,

Which motion Prevailed.

Mr. Evans reported bill of Guyer & Hardesty for the reporting December 16 and 17, 1896, amounting to $60.00, and moved that it be referred to the Committee on Accounts,

Which motion Prevailed.

Mr Hearne renewed his motion to resolve the Convention into a Committee of the Whole to further consider the report of the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The President thereupon vacated the chair and called Mr. Burris to the same.

The members of the Convention then proceeded as a Committee of the Whole to further consider the report made by the standing Committee on the Governor and Other Executive Officers.

Mr. Burris, as Chairman of the Committee of the Whole,

was instructed to report to the Convention that they had had under consideration the report of the Committee on the Governor and Other Executive Officers, and to report progress and to ask leave to meet again this afternoon.

The Committee of the Whole then rose, and upon the President taking the chair Mr. Burris reported that the Committee of the Whole have, according to order, had under further consideration the report of the standing Committee on Governor and Other Executive Officers, and have made some further progress therein, but, not having had time to go through with the same, have directed him to ask leave to meet again this afternoon.

Mr. Spruance moved that the Committee of the Whole be granted leave to meet again this afternoon,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

———

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury moved that the Assistant Secretary act as Secretary of the Committee of the Whole and take the minutes of their proceedings,

Which motion Prevailed.

Mr. Bradford moved that the motion of Mr. Johnson this morning: viz. "That a stenographic report of the Committee of the Whole be not taken" be now taken up,

Which motion Prevailed.

And the President announced the motion of Mr. Johnson before the Convention.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Cannon, Clark, Cooper, Gilchrist, Johnson, Sapp.

Nays—Messrs. Burris, Cavender, Cooch, Dasey, Ellegood, Evans, Harman, Hearne, Martin, Moore, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 7; nays, 17.

So the question was decided in the negative and the motion declared lost.

Mr. Hearne moved that the Convention now resolve itself into a Committee of the Whole, to further consider the report of the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The President thereupon vacated the chair and called Mr. Martin to the same.

The members of the Convention then proceeded as a Committee of the Whole to further consider the report made by the standing committee on the Governor and Other Executive Officers.

Mr. Martin, as Chairman of the Committee of the Whole, was instructed to report to the Convention that they had had under consideration the report of the Committee on the Governor and Other Executive Officers, and to report progress, and to ask leave to meet again.

The Committee of the Whole then rose, and, upon the President taking the chair, Mr. Martin reported that the Com-

mittee of the Whole have, according to order, had under further consideration the report of the standing Committee on the Governor and Other Executive Officers, and have made some further progress therein, but not having time to go through with the same, have directed him to ask leave to meet again.

Mr. Spruance moved that the Committee of the Whole be granted leave to meet again,

Which motion Prevailed.

Motion to adjourn prevailed.

Wednesday, January 6, 1897.
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Spruance submitted the following resolution, which, upon his motion, was read, viz.:

"Resolved, That the Convention at its afternoon session on Wednesday the 13th inst., will give the advocates of Woman's Suffrage a hearing, not to exceed two hours.

And further, on his motion, the resolution was adopted.

The President announced the following committees:

Special Committee on Manufacture and Sale of Intoxicating Liquors:

Messrs. Ellegood, Cannon, Horsey, Hering, Carlisle, Donahoe, Sapp, Richards.

Standing Committee on Education:

Messrs. Gilchrist, Cooper, Johnson, Wright, Pratt, Moore.

Standing Committee on Bill of Rights:

Messrs. Cooper, Smithers, Dasey, Cannon, Evans, Burris.

Mr. Hearne moved that the Convention now resolve it-

self into a Committee of the Whole to further consider the report of the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The President thereupon vacated the chair and called Mr. Dasey to the same.

The members of the Convention then proceeded, as a Committee of the Whole, to take into consideration the report as directed. After giving Mr. Dasey instruction on his report to the Convention, it did rise.

Whereupon the President resumed the chair and Mr. Dasey, as Chairman of the Committee of the Whole, reported for the committee that they had had under consideration the report of the Committee on the Governor and Other Executive Officers and made some further progress therein, but, not having had time to go through with the same, have directed him to ask leave for the Committee of the Whole to sit again.

Mr. Cavender moved that the Committee of the Whole be granted leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Ellegood moved that the Secretary be instructed to procure five additional copies of American Constitutions,

Which motion Prevailed.

Mr. Cooper moved that the number of the copies of list

of members and officers, standing and special committees, and rules, be increased from 100 to 500 copies,

Which motion Prevailed.

Mr. Hearne moved that the Convention now resolve itself into a Committee of the Whole to further consider the report of the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The President thereupon vacated the chair and called Mr. Cooch to the same.

The members of the Convention then proceeded, as a Committee of the Whole, to take into consideration the report as directed. After giving Mr. Cooch instruction on his report to the Convention, it did rise.

Whereupon the President resumed the chair and Mr. Cooch, as Chairman of the Committee of the Whole, reported for that committee that they had had under consideration the report of the Committee on the Governor and Other Executive Offcers, and made some further progress therein, but, not having time to go through with the same, have directed him to ask leave for the Committee of the Whole to sit again.

Mr. Cavender moved that the Committee of the Whole be granted leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, January 7, 1897.
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Hearne, on behalf of the Committee on the Governor and Other Executive Officers, made the following supplementary report:

Second report of the Committee on the Governor and Other Executive Officers:

The Committee on the Governor and Other Executive Officers recommend the following amendments to the Constitution:

1. A Lieutenant Governor shall be elected at the same time and for the same term as the Governor; he shall possess the same qualifications of eligibility for the office as the Governor, and he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

Upon any vacancy happening in the office of Governor by his death, removal, resignation, or inability, the Lieutenant Governor shall exercise the office during the residue of the term, or until the disability shall cease.

The Lieutenant Governor shall receive for his services the same compensation as shall be provided by law for the Speaker of the House of Representatives.

2. The following State officers shall be elected by the people of the State:

Attorney General.

State Treasurer.

Auditor.

Insurance Commissioner.

3. The following county officers shall be elected by the people of the respective counties:

Prothonotary.

Clerk of the Peace.

Register of Wills.

Recorder of Deeds.

Register in Chancery and Clerk of the Orphans' Court.

4. All fees received by the Sheriffs and other county officers in excess of.....dollars shall be paid to the County Treasurer for the use of the county.

EDWARD D. HEARNE,
WILLIAM A. CANNON,
E. W. COOPER,
W. T. SMITHERS,
A. L. JOHNSON,
W. C. SPRUANCE.

And further, on Mr. Hearne's motion, it was received.

Mr. Cooch moved that 500 copies of the report be printed,

Which motion Prevailed.

Mr. Ellegood moved to ask Mr. F. E. Bach to assist the Assistant Secretary to-day,

Which motion Prevailed.

Mr. Cavender offered the following resolution, which, on his motion, was read, viz:

Resolved, That hereafter when this Convention is in Committee of the Whole, no member shall be permitted, without leave, to speak more than fifteen minutes at any one time, nor more than twice upon the same proposition.

Mr. Sapp moved to amend by striking out the words "fifteen minutes" and inserting in lieu thereof the words "ten minutes."

Mr. Cavender moved that the resolution with amendment be laid on the table,

Which motion Prevailed.

Mr. Hering moved that the Committee on Manufacture and Sale of Intoxicating Liquors be increased to twelve members, to consist of equal numbers from each county,

Which motion Prevailed.

Mr. Martin moved to adjourn until 2 o'clock, p. m.

The motion was withdrawn.

Mr. Hearne moved that the Convention now resolve itself into a Committee of the Whole, to consider the supplementary report this morning by the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The President thereupon vacated the chair and called Mr. Saulsbury to the same.

The members of the Convention then proceeded, as a Committee of the Whole, to take into consideration the report as directed. After giving Mr. Saulsbury instructions on his report to the Convention, it did rise.

Whereupon the President resumed the chair and Mr. Saulsbury, on behalf of the Committee of the Whole, reported that they had had under consideration the supplementary report of the Committee on the Governor and Other Executive Officers and made some progress therein, but, not having time to go through with the same, have directed him to ask leave to sit again.

Mr. Richards moved that the request of the Committee of the Whole to sit again be granted,

Which motion Prevailed.

Motion to adjourn until 3 o'clock, p. m., prevailed.

Same Day, 3 o'clock, p. m.

The Convention met pursuant to adjournment.

The Chair announced the following as special Committee on the Manufacture and Sale of Intoxicating Liquors:

Messrs. Ellegood, Cannon, Horsey, Richards, Sapp, Hering, Pratt, Carlisle, Donahoe, Burris, Harman and Moore.

Mr. Spruance moved to reconsider the vote by which stenographic reports of proceedings of the Committee of the Whole are made,

Which motion Prevailed.

Mr. Bradford offered the following amendment:

Strike out after the word "resolved" and insert in lieu thereof the following: "That no stenographic report of proceedings in Committee of the Whole shall be made unless by special direction of said committee."

Mr. Bradford moved that further consideration of the amendment be postponed until to-morrow morning,

Which motion Prevailed.

Mr. Spruance moved that the Convention now resolve itself into a Committee of the Whole to further consider the first report of the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The President thereupon vacated the chair and called Mr. Saulsbury to the same.

At 5 o'clock the Convention in Committee of the Whole rose.

The President being absent, the Assistant Secretary called the Convention to order.

On motion of Mr. Martin, Mr. Spruance was chosen President pro tempore.

Mr. Saulsbury, as Chairman of the Committee of the Whole, reported for the Committee that they had had under consideration both reports of the Committee on Governor and Other Executive Officers, and report progress and ask leave to sit again.

Mr. Pratt moved that the report be accepted and permission be granted to sit again,

Which motion Prevailed.

Mr. Evans moved that thirty-five copies of the amendments offered in the Committee of the Whole by Mr. Bradford to the report of the Committee on Governor and Other Executive Officers be type written,

Which motion Prevailed.

Mr. Ellegood moved to adjourn until to-morrow morning at 11 o'clock.

Mr. Martin moved to amend by striking out the word "to-morrow"and inserting in lieu thereof the word "Monday,"

Which motion Was Lost.

Recurring to Mr. Ellegood's motion it prevailed, and the Convention adjourned.

Friday, January 8, 1897,
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Harman, Hearne, Hering, Johnson, Martin, Moore, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury moved that the Assistant Secretary be authorized to procure such assistance as he may need during the absence of the Secretary,

Which motion Prevailed.

Mr. Johnson offered the following resolution, which he read:

Resolved, That the Committee on Stenographer be and is hereby requested to present to this Convention on Monday morning next, or as soon thereafter as practicable, a statement of the cost of the stenographic report of the proceedings of this Convention during December ult; also a separate item covering the expenses of like work for the present week,

And further, on his motion, the resolution was adopted.

Mr. Ellegood moved to continue the services of the stenographers for next week,

Which motion Prevailed.

On motion of Mr. Spruance, the Convention resolved itself into a Committee of the Whole to consider the first report of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Moore reported that the committee, having had under consideration the report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Bradford moved that the report be received and permission granted to sit again,

Which motion Prevailed.

Mr. Saulsbury moved that the Assistant Secretary be directed to have thirty-five copies of the amendments offered in the Committee of the Whole type written,

Which motion Prevailed.

Motion to adjourn to 2 o'clock, p. m., prevailed.

———

Same day, 2 o'clock p. m.

Convention met pursuant to adjournment.

Mr. Bradford moved that when thisConvention adjourn it be to meet at 4.30 o'clock, p. m., Monday,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into a Committee of the Whole to consider the first report of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Moore reported that the committee, having had under consideration the first report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Martin moved that leave be granted the committee to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Monday, January 11, 1897.
4.30 o'clock, p. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Clark, Cooch, Ellegood, Gilchrist, Hearne, Horsey, Martin, Moore, Murray, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented a bill from Arthur Hutchins of $3.15 for type writing,

And further, on his motion, it was referred to the Committee on Accounts.

Motion to adjourn prevailed.

Tuesday, January 12, 1897.
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance, Mr. President.

Journal read and approved.

Mr. Cooch presented the following bills:

T. & J. W. Johnson & Co., 32 N. Y. Constitutions,....$48.00.
The Argus Company, 5 Sets American Constitutions..$25.00

Which, upon his motion, were referred to the Committee on Accounts.

On motion of Mr. Cannon, the Convention resolved itself into a Committee of the Whole for the consideration of the second report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the second report of the Committee on the Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Richards moved that the report be received and the Committee of the Whole be granted leave to sit again,

Which motion Prevailed.

Motion to adjourn until 3 o'clock this afternoon prevailed.

———

Same Day, 3 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Spruance moved that the Convention now take a recess until 5 o'clock,

Which motion Prevailed.

———

Same Day, 5 o'clock, p. m.

Convention reconvened.

Mr. Bradford moved that we use the desks with which the room is now furnished, and that the necessary locks be placed on them.

Mr. Spruance moved to amend by directing the committee to proceed to put locks on the new desks and place them in the room,

Which amendment Prevailed.

Recurring to the original motion as amended, it prevailed.

Motion to adjourn prevailed.

Wednesday, January 13, 1897.
11 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering. Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Horsey presented a petition from Little Creek hundred, which, upon motion of Mr. Pratt, was read.

Mr. Horsey moved that the petition be referred to the Committee on Manufacture and Sale of Intoxicating Liquors,

Which motion Prevailed.

Mr. Dasey moved that the Convention meet in the future at 10.30 a. m., instead of 11 o'clock,

Which motion Prevailed.

On motion of Mr. Hearne, the Convention resolved itself into a Committee of the Whole for the consideration of the second report of the Committee on the Governor and Other Executive Officers,

Mr. Saulsbury in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Saulsbury reported that the Committee of the Whole, having had under

consideration the second report of the Committee on the Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Cavender moved that the report be accepted and the Committee of the Whole be permitted to sit again,

Which motion Prevailed.

Motion to adjourn to 2 o'clock, p. m., prevailed.

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Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

The special order of the day, being a hearing of the State Equal Suffrage Association, was taken up.

When the hearing was concluded, Mr. Spruance offered and read the following resolution:

Resolved, That the thanks of the Convention are tendered to the ladies who this afternoon have presented, with great propriety, eloquence and power, the cause of Woman's Suffrage,

And further, on his motion, the resolution was adopted.

Mr. Hearne moved that the ladies present have the privilege of the floor during the remainder of this afternoon's session,

Which motion Prevailed.

On motion of Mr. Hearne, the Convention resolved itself into Committee of the Whole for the consideration of the first

and second reports of the Committee on the Governor and Other Executive Officers,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first and second reports of the Committee on the Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Martin moved that the report be accepted and the Committee of the Whole be permitted to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, January 14, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Vaughan S. Collins.

Roll called. Members present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Johnson presented a petition from twenty-four Christian Churches, signed by 1814 individuals, praying for relief from the licensed liquor traffic;

Also, a petition from the Wilmington Preachers' Meeting, praying for relief from the licensed liquor traffic,

Which petitions were, upon his motion, referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Dasey offered the following resolution, which, upon his motion, was read, viz:

Resolved, That a committee of six be appointed by the President of this Convention to confer and co-operate with other Committees on Inauguration of Governor, on Tuesday next, January 19, 1897,

And further, on his motion, the resolution was adopted.

Mr. Spruance moved that the Sergeant-at-Arms be directed during the noon recess to place all the completed new desks in the room, removing the number of old ones necessary,

Which motion Prevailed.

Mr. Bradford moved that the first report of the Committee on Securing the Purity of the Ballot be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Securing the Purity of the Ballot,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the first report of the Committee on Securing the Purity of the Ballot, report progress and ask leave to sit again.

Mr. Cavender moved to grant the Committee of the Whole leave to sit again,

Which motion Prevailed.

The President announced the following as a Committee on Inauguration of the Governor:

Messrs. Dasey, Richards, Cooper, Clark, Johnson and Spruance.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Johnson offered and read the following resolution:

Be it resolved, That all public officials and contractors for public work in this State, whether under State, county or municipal government, for the faithful performance of whose duties and obligations a bond may be required, shall give a bond of indemnity from such security company of ample capital and responsibility as shall be selected or approved by the party requiring the surety or its counsel, the expense incurred in securing said bond shall be borne by the branch of government requiring and receiving such security.

And further, on his motion, the resolution was referred to the Committee on the Governor and Other Executive Officers.

Mr. Donahoe moved that the Committee on the Judiciary shall have the authority to amend their report so that the office of Judge of the Municipal Court of the City of Wilmington shall be included among the county officers of New Castle county and shall be elected by the people of New Castle county.

Mr. Gilchrist moved to lay the motion on the table,

Which motion Was Lost.

Mr. Cavender moved to amend Mr. Donahoe's motion by striking out "on the Judiciary" and inserting "on the Governor and Other Executive Officers,"

Which amendment Prevailed.

Recurring to the original motion, as amended, it was

Lost.

Mr. Carlisle offered the following resolution, which, upon his motion, was read, viz:

Resolved, That the Superintendent of Free Schools, Justices of the Peace, and such other officers as may from time to time be established by law, and not otherwise provided for, be included among the officers to be elected by the people.

And further, on his motion, it was referred to the Committee on the Governor and Other Executive Officers.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Securing the Purity of the Ballot,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the report of the Committee on Securing the Purity of the Ballot, report progress and ask leave to sit again.

Mr. Dasey moved to grant the Committee of the Whole leave to sit again,

Which motion Prevailed.

Mr. Spruance moved that the Secretary have a type written copy of the amendments to the report of the Committee on Securing the Purity of the Ballot made for each member of the Convention,

Which motion Prevailed.

Motion to adjourn prevailed.

Friday, January 15, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Richards moved that the Librarian be instructed to place ledges or guards on each desk,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Securing the Purity of the Ballot,

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the report of the Committee on Securing the Purity of the Ballot, report progress and desire leave to sit again.

Mr. Cavender moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Cooch moved that the Committee on Printing have a yea and nay book prepared,

Which motion Prevailed.

Mr. Cavender moved that when the Convention adjourn it will be to meet Monday at 10.30, a. m.,

Which motion Prevailed.

Mr. Evans, on behalf of the Committee on Stenographer, reported the cost of the stenographic work up to, but not including, Monday, January 11, at $550, and a separate item for the last week $334.80.

Mr. Burris moved that the Convention employ the stenographers at the rate that they have proposed, and on the terms which we have heretofore had them employed, for the balance of the term of the Convention,

Which motion Prevailed.

Motion to adjourn prevailed.

Monday, January 18, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Joseph Brown Turner.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented a communication from the Law and Order Society of Wilmington, which, upon his motion, was read,

And further, on his motion, was referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Ellegood presented bill of Guyer & Hardesty for stenographic work, up to and including January 8, for $330.60, which, upon his motion, was referred to the Committee on Accounts.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Ellegood presented a petition from Newark, Del., praying for a provision to be incorporated in the new Constitution conferring referendum, &c. Signed by Mrs. S. D. Hill, John S. Stengle and others, which, upon his motion, was read,

And further, on his motion, was referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Dasey, on behalf of the Committee on Inauguration, reported progress.

Motion to adjourn prevailed.

Tuesday, January 19, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Orr, Pratt, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

Mr. Gilchrist moved that a colored delegation, to memorialize this Convention for an educational provision in the new Constitution, be granted a hearing before the Convention for one hour in the afternoon on Friday next,

Which motion Prevailed.

Mr. Dasey moved that when the Convention adjourn it will be to meet to-morrow morning at the usual hour,

Which motion Prevailed.

Mr. Saulsbury, on behalf of the Committee on Accounts, reported the following bills as correct:

Guyer & Hardesty,.....$ 60.00.
Thomas M. Gooden, Postmaster,.....$132.50.

And further, on his motion, the President was authorized to draw warrants on the State Treasurer in payment of said bills.

Motion to adjourn prevailed.

Wednesday, January 20, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Charles I. Stengle.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Securing the Purity of the Ballot,

Mr. Cavender in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Cavender reported that the Committee of the Whole, having had under consideration the first report of the Committee on Securing the Purity of the Ballot, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 3 o'clock, p. m., prevailed.

Same Day, 3 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Donahoe presented a communication from the Executive Committee of the State Liquor League,

Which, upon his motion, was referred to the Committee on the Manufacture and Sale of Intoxicating Liquors.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Saulsbury reported that the Committee of the Whole, having had under consideration the first report of the Committee on Securing the Purity of the Ballot, report progress and desire leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, January 21, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury presented bills from the Adams' Express Company amounting to $1.15,

Which, upon his motion, were referred to the Committee on Accounts.

Mr. Bradford, on behalf of the Committee on Securing the Purity of the Ballot, presented the second report, to be known as Section 3 and added to the sections already reported,

Which, upon his motion, was received and read, as follows:

Section 3. The enumeration of the offences mentioned in Section 1 of this Article shall not preclude the General Assembly from defining and providing for the punishment of other offences against the freedom and purity of the ballot, or touching the conduct, returns or ascertainment of the result of general, special or municipal elections, or of primary elections,

conventions or meetings held for the nomination of candidates to be voted for at general, special or municipal elections.

EDWARD G. BRADFORD,
PARIS T. CARLISLE, Jr.,
E. W. COOPER,
ISAAC K. WRIGHT,
ROBERT W. DASEY.

Mr. Bradford moved that Section 3 be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Carlisle presented and read a communication from the Hon. Thomas B. Coursey,

Which, upon his motion, was referred to the Committee on Securing the Purity of the Ballot.

Mr. Donahoe presented bills, approved by the Committee on Place of Meeting, as follows:

George W. Benn,	$ 4.06.
C. S. Pennewill,	18.35.
William Fisher,	13.43.
Harry A. Miller,	240.00.
Lichenstein & Hart,	74.80.

Which, upon his motion, were referred to the Committee on Accounts.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Saulsbury reported that the Committee of the Whole, having had under consideration the first report of the Committee on Securing the

Purity of the Ballot, report further progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Spruance presented a communication from the Society of Friends of Wilmington, on the subject of Temperance, which, upon his motion, was read,

And further, on his motion, was referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Donahoe presented a bill from Casson, Fisher & Co. for $4.50,

Which, upon his motion, was referred to the Committee on Accounts.

Mr. Saulsbury, on behalf of the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred sundry accounts against the State for incidental expenses of the Convention, recommends the allowances named in the resolution herewith reported:

Resolved, That the following claims against the State on account of the Constitutional Convention be allowed, and the President is hereby authorized to draw warrants upon the State Treasurer for the payment of the same, as follows:

H. McDaniel, Agent Adams' Express Co.,.....$ 1.15.
Arthur Hutchins, type writing,..... 4.75.
George W. Benn,..... 4.06.
Caleb S. Pennewill,..... 18.35.
William Fisher,..... 13.43.
Harry A. Miller,..... 240.00.
Lichenstein & Hart,..... 74.80.
Guyer & Hardesty,..... 330.60.

Mr. Cooper moved that the report be received and the resolution adopted,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Martin was elected President pro tempore, and Mr. Saulsbury reported that the Committee of the Whole, having had under consideration the first report of the Committee on Securing the Purity of the Ballot, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole be granted leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Friday, January 22, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Gilchrist presented two petitions for Equal Suffrage, which, upon his motion, were read,

And further, on his motion, were referred to the Committee on Elections.

Mr. Horsey presented a communication from Stanford L. Parker, Chairman of the colored Committee on Education, requesting an audience on Tuesday afternoon next,

And, upon his motion, Wednesday, at 2 o'clock, p. m., was made a special order for hearing the colored people.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Saulsbury reported that the Committee of the Whole, having had under consideration the reports of the Committee on Securing the Purity of the Ballot, report progress and desire leave to sit again.

Mr. Richards moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 p. m., prevailed.

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Same Day, 2.30, p. m.

Convention met pursuant to adjournment.

Mr. Dasey moved that when this Convention adjourn it will be to meet on Tuesday morning at 10.30 o'clock,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

After some time spent therein, the Committee of the Whole rose.

Mr. Cavender was elected President pro tempore.

Mr. Saulsbury reported that the Committee of the Whole, having had under consideration the first and second reports of

the Committee on Securing the Purity of the Ballot, report progress and desire leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Bradford moved that the Secretary of the Committee of the Whole have 500 copies of the amended reports of the Committee on Securing the Purity of the Ballot printed,

Which motion Prevailed

Motion to adjourn prevailed.

Tuesday, January 26, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. W. L. S. Murray.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Pratt, on behalf of the Committee on Corporations, presented and read the first report of said committee, as follows:

Report of the Committee on Corporations.

The Committee on Corporations recommend the following amendments to the Constitution:

Strike out all of Section 17 of Article II and insert in lieu thereof the following:

Section 1. The term corporations as used in this Article shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

Section 2. No corporation in existence at the adoption of this Constitution shall have the benefit of future legislation without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Section 3. All existing charters or grants of special and exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution shall thereafter be void and of no effect.

Section 4. Corporations may be formed under general laws, but shall not be created by special act, nor shall any existing charter be extended, changed or amended by special laws, except municipal corporations and corporations for charitable, penal, reformatory, or educational purposes under the patronage of the State.

The General Assembly shall also by general laws provide for the revocation or forfeiture of the charters of any or all corporations guilty of abuse or misuse of their corporate powers, privileges or franchises or whenever said corporations become detrimental to the interests or welfare of the State or its citizens.

No corporation, however, under such general law shall exercise the franchises thereby conferred until one-fifth of the par value of its authorized capital stock shall have been actually paid in, in cash.

Section 5. No corporation shall issue stocks or bonds except for money paid, labor done or personal property in actual possession, or the fee simple title to real estate actually acquired by such corporation, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time the said labor was done or property delivered or title acquired.

The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of persons holding the larger amount in value of the stock, first obtained at a meeting called for the purpose, sixty days public notice thereof having been first given, as may be provided by law.

Section 6. Each owner of stock in any private corporation to be conducted for pecuniary profit shall be individually liable for the debts of such corporation in an amount

which, together with the real value of the stock owned by him, will amount to the full value of such stock, and such additional liability as shall be prescribed by law.

Section 7. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature, receiving the affirmative vote of two-thirds of all the members of each branch thereof, and subsequently approved by a majority of all the votes cast at the next general election held after such enactment.

Section 8. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold any real estate for a longer period than six years, except such as may be necessary and proper for carrying on its legitimate business.

Section 9. All corporations formed under the laws of this State, or carrying on business in this State, shall, at all times, have one or more known places of business in this State and an authorized agent or agents there upon whom process may be executed, and the General Assembly shall enact laws to carry into effect the provisions of this section.

Section 10. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

Section 11. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and said companies shall receive and transmit each others messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control.

Telephone companies operating exchanges in different

towns or cities, or other public stations, shall receive and transmit each others messages without unreasonable delay or discrimination.

The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section.

Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limit of such city or town.

Section 12. The exercise of the police powers of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Section 13. It shall be the duty of the General Assembly, from time to time, as necessity may require it, to enact such laws as may be necessary to prevent all corporations, trusts, pools, combinations or other organizations, now in existence or hereafter to be created under general laws of this State, from combining with any other corporation, trust, pool, combination or other organization of this or any other State, for the purpose of depreciating below its real value any article, or to enhance the cost of any article above its real value, or for the purpose of operating the corporate powers, functions or franchises conferred upon any such corporation, trust, pool, combination or other organization under the name and title which the combination effected shall adopt, and to cause all such combinations to work the forfeiture of all powers conferred.

NATHAN PRATT,
MARTIN B. BURRIS,
CHARLES F. RICHARDS,
DAVID S. CLARK,
ROBERT W. DASEY,
JOHN P. DONAHOE.

Mr. Richards moved that the report of the Committee on Corporations be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Richards moved that the Committee on Printing be instructed to have 500 copies of said report printed,

Which motion Prevailed.

Mr. Horsey moved that when the Convention adjourn it will be to meet at 3.30, p. m.,

Which motion Prevailed.

Mr. Evans presented bill of Guyer & Hardesty for $293 20, which. upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Hearne, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on the Governor and Other Executive Officers,

Mr. Saulsbury in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Saulsbury reported that the Committee of the Whole, having had under consideration the reports of the Committee on the Governor and Other Executive Officers, report progress and desire leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to meet again,

Which motion Prevailed.

Motion to adjourn prevailed.

Same Day, 3.30, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury presented bill of Clarke & McDaniel of $1,354.66 for supplies, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Hearne, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on the Governor and Other Executive Officers,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on the Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Gilchrist further reported that the Committee of the Whole, having had under consideration the first report of the Committee on the Governor and Other Executive Officers, had adopted the same with amendments.

Mr. Spruance moved that this report be accepted,

Which motion Prevailed.

Mr. Spruance moved that the Assistant Secretary have 500 copies of the same printed.

Mr. Cooch moved to amend by substituting the Committee on Printing,

Which amendment Prevailed.

Recurring to the original motion, as amended, it prevailed.

Motion to adjourn prevailed.

Wednesday, January 27, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Hearne, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on the Governor and Other Executive Officers,

Mr. Murray in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Murray reported that the Committee of the Whole, having had under consideration the second report of the Committee on the Governor and Other Executive Officers, recommend favorably the first three sections with sundry amendments, and further recommend that Section 4 be recommitted to the Committee on the Governor and Other Executive Officers.

Mr. Saulsbury moved that the report be received and Section 4 be recommitted to the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing have 500 copies of the first three sections, as amended, printed,

Which motion Was Lost.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Elections,

Mr. Evans in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Evans reported that the Committee of the Whole, having had under consideration the report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Cavender moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 3.30, p. m., prevailed.

———

Same Day, 3.30, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred sundry claims mentioned in the resolution herewith reported, has examined and considered the same, and recommends the adoption of the following resolution:

Resolved, That sundry claims on account of the current expenses of the Convention be allowed as follows, and the

President of the Convention is hereby authorized to draw warrants upon the State Treasurer for the payment of the same, to-wit:

Casson, Fisher & Co., for carpet.....$ 4.50.
T. & J. W. Johnson & Co., for Parker's N. Y. Constitutions, ... 48.00
The Argus Company, for American Constitutions,.... 25.00.
Guyer & Hardesty, for stenographic reports,..... 293.20.
Clarke & McDaniel, for stationery, supplies, &c.,....1354.66.

Mr. Spruance submitted and read the following resolution:

Resolved, That so much of the report of the Committee on Accounts relating to stationery be recommitted to the committee, with instructions to report the items of the bill for stationery; and the amount of stationery not distributed,

Which, upon his motion, Was Adopted.

Mr. Saulsbury moved that the last item on the report be stricken from the resolution,

Which motion Prevailed.

Mr. Moore moved to adopt the resolution as amended,

Which motion Prevailed.

Mr. Sapp presented a memorial from a special committee appointed by the Diocese of Delaware on the subject of Marriage and Divorce,

Which, upon his motion, was referred to the Committee on the Legislature.

Mr. Spruance presented a communication from the Anti-Suffrage Association, of New York, which, upon his motion, was read,

And further, on his motion, was referred with accompanying documents to the Committee on Elections.

Mr. Saulsbury presented the following bills:

Slaughter & Bice,.....$ 2.70.
T. O. Culbreth,.....12.38.
James A. Clifton,.....56.97.

Which, upon his motion, were referred to the Committee on Accounts.

Mr. Harman submitted the following resolution, which, upon his motion, was read:

Resolved, That after a member has spoken twice in the Committee of the Whole upon any one subject, he shall not be permitted to speak again on that particular subject, unless by unanimous consent, until every member of the committee desirous of speaking upon the subject has spoken,

Which, upon the motion of Mr. Spruance, was referred to the Committee on Rules.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Elections,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, January 28, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Donahoe, Ellegood, Gilchrist, Hearne, Hering, Johnson, Moore, Murray, Orr, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury presented bill of W. D. McGloghlon for $7.00,

Which, on his motion, was referred to the Committee on Accounts.

Mr. Orr, on the part of the Board of Trustees of Delaware State Hospital for the Insane, invited the members of this Convention to visit the hospital, Thursday, February 4, next.

Mr. Saulsbury moved that the Convention accept the invitation.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Clark, Cooch, Donahoe, Ellegood, Gilchrist, Hearne, Johnson, Moore, Murray, Orr, Sapp, Saulsbury, Smithers, Mr. President.

Nays—Messrs. Bradford, Burris, Cannon, Cavender.

Yeas, 14; nays, 4.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Ellegood presented a communication from Mr. L. M. Price, regarding the matter of referendum, which, on his motion, was read,

And further, on his motion, was referred to the Committee on the Manufacture and Sale of Intoxicating Liquors.

Mr. Burris moved that Monday, February 8, at 2 o'clock, p. m., we receive and hear the temperance people,

Which motion Prevailed.

Motion to adjourn until 2.30, p. m., prevailed.

Same Day, 2.30, p. m.

Convention met pursuant to adjournment.

Mr. Murray presented the first report of the Committee on the Legislature which, upon his motion, was read as follows:

The Committee on the Legislature recommends the adoption of the following as sections in the Constitution, to be inserted under an appropriate title:

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, unless sooner convened by the Governor.

Section 6. Each House shall judge of the elections,

returns and qualifications of its own members; and a majority of all the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

Section 7. Each House may determine the rules of its proceedings, punish any of its members for disorderly behaviour, and with the concurrence of two-thirds of all the members elected thereto expel a member, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Section 16. No divorce shall be granted, nor alimony allowed, except by the judgment of a court, as shall be prescribed by law.

Section 17. Lotteries, the sale of lottery tickets, pool selling, and all other forms of gambling are prohibited in this State. The General Assembly shall enforce this section by appropriate legislation.

Section 18. No bill or joint resolution shall embrace more than one subject, which shall be expressed in its title; but a bill or joint resolution in violation of this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed.

Section 19. The members of the General Assembly shall receive as compensation for their services a per diem allowance which shall be prescribed by law for each day of their session, not exceeding ——— days; and, should they remain longer in session, they shall serve without compensation. In case a special or extra session of the General Assembly be called the members shall receive like compensation for a period not exceeding ——— days.

GEORGE H. MURRAY,
WILLIAM SAULSBURY,
J. WILKINS COOCH,
EDWARD G. BRADFORD.

Mr. Murray moved that this report be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Murray, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on the Legislature.

After some time spent therein, the Committee of the Whole rose.

There being no quorum, the Convention adjourned.

Friday, January 29, 1897,
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Carlisle, Cavender, Clark, Cooch, Donahoe, Ellegood, Gilchrist, Hering, Johnson, Moore, Pratt, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury moved that the Committee of the Whole, to whom was referred the first report of the Committee on the Legislature, have leave to sit again,

Which motion Prevailed.

On motion of Mr. Saulsbury, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on the Legislature,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the report of the Committee on the Legislature, have considered and adopted all of said report except Section 19, which is recommended to be recommitted to the Committee on the Legislature, and the Committee of the Whole request leave to sit again.

Mr. Bradford moved that the report be accepted, Section 19 recommitted to the Committee on the Legislature, and the Committee of the Whole granted leave to sit again,

Which motion Prevailed.

Mr. Bradford moved to reconsider that part of the report by which Section 19 was recommitted to the Committee on the Legislature,

Which motion Prevailed.

Mr. Cooch moved that when this Convention adjourn this afternoon it will be to meet Tuesday morning at 10.30 o'clock,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Gilchrist presented a memorial in behalf of the colored schools,

Which, on his motion, was referred to the Committee on Education.

Mr. Gilchrist presented three petitions for Equal Suffrage, one each from New Castle, Kent and Sussex counties,

Which, upon his motion, were referred to the Committee on Elections.

Mr. Ellegood presented a petition from the Delaware City Methodist Episcopal Church, on the temperance question,

Which, upon his motion, was read,

And further, on his motion, was referred to the Committee on the Manufacture and Sale of Intoxicating Liquors.

Mr. Bradford moved that Section 19 of the report of the Committee on the Legislature be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of Section 19 of the report of the Committee on Legislature,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration Section 19 of the report of the Committee on the Legislature had adopted Section 19, as amended.

Mr. Gilchrist moved that the report be received,

Which motion Prevailed.

Mr. Burris moved that the Committee on Printing have 500 copies of the amended report of the Committee on the Legislature printed,

Which motion Prevailed.

Motion to adjourn prevailed.

Tuesday, February 2, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Mr. President.

Journal read and approved.

Mr. Richards moved that the Convention appoint Friday afternoon at 2 o'clock, to hear the Committee of the Diocese of Delaware,

Which motion Prevailed.

Mr. Spruance, on behalf of the Committee on Elections, moved that the committee be increased from six to eight members,

Which motion Prevailed.

The President announced Messrs. Cooper and Bradford as the additional members of the Committee on Elections.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Corporations,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under

consideration the report of the Committee on Corporations, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m

Convention met pursuant to adjournment.

Mr. Ellegood presented several petitions relating to referendum, as follows:

From Cedar Creek hundred, Sussex county, signed by J. M .Davis and 76 others;

From Broadkiln hundred, Sussex county, signed by W. T. Valiant and 53 others;

From Dagsboro hundred, Sussex county, signed by R. J. Short and 24 others.

From Lewes and Rehoboth hundred, Sussex county, signed by C. H. Mason and 109 others;

From North West Fork hundred, Sussex county, signed by S. J. Morris and 33 others;

From Georgetown hundred, Sussex county, signed by C. A. Grise and 184 others.

Upon his motion, one only was read, and all were referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Donahoe presented bill of J. & J. N. Harman for desks and chairs amounting to $280,

Which, upon his motion, was referred to the Committee on Accounts.

Mr. Spruance presented bill of News Publishing Conpany for 96 cents,

Which, upon his motion, was referred to the Committee on Accounts.

Mr. Carlisle moved that the Secretary be instructed to purchase 13 additional sets of the American Constitutions,

Which motion Prevailed.

On motion of Mr. Richards, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Corporations,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the report of the Committee on Corporations, report progress and ask leave ot sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Wednesday, February 3, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll Called. Members Present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented a request from the Woman's Christian Temperance Union, asking for a hearing at 2 o'clock p. m. to-day,

And moved that when the Convention adjourn it will be to meet at 3 o'clock p. m., in order to give the Woman's Christian Temperance Union a hearing,

Which motion Prevailed.

Mr. Donahoe presented bill of T. K. Jones & Bro. for $17.29, which, upon his motion, was referred to the Committee on Accounts.

Motion to adjourn prevailed.

Same Day, 3 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Richards, on behalf of the Committee on the Legislature, submittted and read the second report, as follows:

Second report of the Committee on the Legislature.

The Committee on the Legislature recommends the adoption of the following as sections in the Constitution, to be inserted under an appropriate title:

Section 1. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor shall the same become operative without the concurrence of a majority of all the members elected to each House.

Section 2. The doors of each House, and of Committees of the Whole, shall be open unless when the business is such as ought to be kept secret.

Section 3. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 4. The Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Section 5. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, and officers in the militia, holding no disqualifying office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

CHARLES F. RICHARDS,
WOODBURN MARTIN,
GEORGE H. MURRAY,
WILLIAM SAULSBURY,
EDWARD G. BRADFORD,
J. WILKINS COOCH.

Mr. Martin moved that 100 copies of the second report of the Committee on the Legislature be printed,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, February 4, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment and was called to order by the Secretary.

Mr. Dasey moved that Mr. Martin act as President pro tempore,

Which motion Prevailed.

Prayer by the Rev. C. I. Stengle.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Ellegood presented two petitions from the Armory M. E. Church of Dover for the principle of referendum, and moved that one petition be read,

Which motion Prevailed.

And further, on his motion, both petitions were referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Evans moved that when the Convention adjourn it will be to meet to-morrow at 10.30 o'clock, a. m.,

Which motion Prevailed.

Motion to adjourn prevailed.

Friday, February 5, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll Called. Members Present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Gilchrist moved that a delegation on education have a hearing of one and a half hours at 2 o'clock, p. m., Thursday, February 11,

Which motion Prevailed.

On motion of Mr. Richards, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on the Legislature,

Mr. Dasey in the chair.

After some time spent therein the Committee of the Whole rose,

The President resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the second report of the Committee on the Legislature, recommend the adoption of the said report as amended in the Committee of the Whole.

Mr. Saulsbury moved that the report from the Committee of the Whole be accepted,

Which motion Prevailed.

Mr. Saulsbury moved that when this Convention adjourn it will be to meet Monday morning at 10.30 o'clock,

Which motion Prevailed.

Mr. Richards moved that the Committee on Printing have 100 copies of the second report of the Committee on the Legislature, as amended, printed,

Which motion Prevailed.

Motion to adjourn prevailed.

Monday, February 8, 1897.
10.30 o'clock a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. O. G. Buddington.

Roll called. Members Present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Martin, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Harman presented a petition from the Union Labor League of Wilmington, which, upon his motion, was read and referred to the Committee on Elections.

Mr. Ellegood presented a petition from the Wesley M. E. Church for referendum, which, upon his motion, was referred, without reading, to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Ellegood presented a petition from the Armory Sunday School of Dover, which, upon his motion, was read and referred to the Committee on the Manufacture and Sale of Intoxicating Liquors.

Mr Evans presented bill of Guyer & Hardesty for $353.20, which, upon his motion, was referred to the Committee on Accounts.

Mr. Spruance presented bill of Every Evening Printing Co., for $1.55, which, upon his motion, was referred to the Committee on Accounts.

Motion to adjourn until 2 o'clock this afternoon prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Saulsbury, Mr. Bradford was made President pro tempore.

Mr. Spruance, on behalf of the Committee on the Judiciary, submitted and read the report of said committee, as follows:

The Committee on the Judiciary recommends the adoption of the following amendments to Article VI:

(a) Strike out Section 1 and insert in lieu thereof the following:

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time establish.

(b) Strike out of Section 3 the following words: "No associate judge shall sit in the county in which he resides."

Add the following sections:

(c) Section —. The judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session the Governor shall, within thirty days after the happening of any such vacancy, convene the Senate for the purpose of confirming his appointment to the said vacancy and such other executive business as may come before it for action.

(d) Section —. Any judge shall have the right to resign his office after reaching the age of seventy years and thereafter receive the full salary attached to the office until the end of the term for which he was appointed, provided that during said term and before his resignation he shall have continued in the active discharge of his office for at least one-half of said term.

(e) Section —. In all criminal cases in which the sentence shall be death or imprisonment for more than six months and in such other criminal cases as may be provided by law, the accused after conviction and sentence shall be entitled to a writ of error from the Supreme Court to the court in which the case was tried.

W. C. SPRUANCE,
W. T. CAVENDER,
CHARLES F. RICHARDS,
EDWARD D. HEARNE,
CHARLES B. EVANS,
EDWARD G. BRADFORD,
WOODBURN MARTIN,
GEORGE H. MURRAY.

Upon motion of Mr. Spruance, the report was referred to the Committee of the Whole.

Mr. Spruance moved that the Committee on Printing have 100 copies of the report printed,

Which motion Prevailed.

Motion to adjourn until 10.30 o'clock a. m., to-morrow, prevailed.

Tuesday, February 9, 1897.
10.30 o'clock a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll Called. Members Present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooch, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Martin, Moore, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Judiciary,

Mr. Carlisle in the chair.

After some time spent therein the Committee of the Whole rose,

The President resumed the chair, when Mr. Carlisle reported that the Committee of the Whole, having had under consideration the first report of the Committee on Judiciary, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Judiciary,

Mr. Carlisle in the chair.

After some time spent therein Committee of the Whole rose.

The President resumed the chair, when Mr. Carlisle reported that the Committee of the Whole, having had under consideration the first report of the Committee on Judiciary, recommend its adoption as amended.

Mr. Spruance moved that the report be accepted,

Which motion Prevailed.

Mr. Spruance moved that the Secretary of the Committee of the Whole prepare a copy of the amended report for the use of the Committee on Printing, who are instructed to have 200 copies printed,

Which motion Prevailed.

Motion to adjourn until to-morrow morning, 10.30 o'clock, prevailed.

Wednesday, February 10, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll Called. Members Present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Murray, Orr, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Orr presented a communication from the Fourth Quarterly Conference of the Lewes M. E. Church, which, upon his motion, was read and referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Gilchrist moved that the hearing granted the teachers before the Convention, for Thursday, February 11, be postponed until Monday, Febreary 15, at 2 o'clock, p. m.,

Which motion Prevailed.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was recommitted the bill of Clarke & McDaniel for $1354.66, respectfully reports that it has again examined the same and believes it correct.

The committee recommends the adoption of the following resolution:

Resolved, That the bill of Clarke & McDaniel for $1354.-66, on account of the current expenses of the Convention, be allowed, and the President is hereby authorized to draw his warrant upon the State Treasurer in favor of Clarke & McDaniel for $1354.66.

Mr. Saulsbury moved the adoption of the report.

Mr. Spruance moved that the report be laid on the table for further consideration,

Which motion Prevailed.

Mr. Cavender submitted and read the following preamble and resolutions on the death of the Hon. Edward L. Martin:

"Mr. President: By suggestion of a number of Delegates in this Convention, and also in accordance with my personal feelings, I ask my fellow-members to suspend for a few minutes procedure with the work committed to their care and direct it to a solemn event which an act of Divine Providence has commended to our consideration. But a few days since the unexpected and painful intelligence reached us of the death of the Hon. Edward L. Martin, who expired on the 22d day of January at his late residence near Seaford, Sussex county, Delaware.

"I offer the following resolutions as expressive of the sentiment of the Convention in relation to the same:

"Resolved, That this Convention has heard with profound regret the formal announcement of the death of the Hon. Edward L. Martin, an honored citizen of this State, highly esteemed for his ability and integrity and for the eminent public service he has rendered the people of this State.

"Resolved, That this Convention, while expressing regret at the loss which the State has incurred, feels it due to itself and to others to offer the expression of its deep sympathy to the bereaved family of Mr. Martin, and to the community of which he had so long been an honored and valued member.

"Resolved, That the President be and he is hereby requested to communicate these resolutions, properly attested by the Secretary of the Convention, to the family of our deceased friend."

The resolutions were unanimously adopted.

Mr. Donahoe submitted and read the following preamble and resolutions relating to the death of the Hon. Leonard E. Wales:

"Mr. President: The people of our State have been greatly shocked by the sad intelligence of the death of the Hon. Judge Leonard E. Wales, an illustrous citizen of our State, an eminent jurist, a loyal friend and true patriot, and an upright Christian gentleman, of whom it may be truly said, he had but few equals. I therefore offer the following, and move its adoption by the Convention:

"Resolved, That we have learned with profound regret of the death of the late Judge Leonard E. Wales, who, as a soldier in the late war, as a judge in the courts of this State for twenty years, and a judge in the Federal courts for thirteen years, endeared himself to the people of this Commonwealth as a brave soldier, an able and impartial judge and one of our foremost citizens.

"Resolved, That the members of this Convention hereby tender to the family of the deceased our sincere sympathy in their great bereavement, and mourn with them their loss and the loss to our people.

"Resolved, That the President of this Convention be instructed to forward a copy of these resolutions, duly attested by the Secretary, to the family of the deceased."

The resolutions were unanimously adopted.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom sundry bills were referred, recommends the payment of claims named in the resolution herewith reported.

Resolved, That the following claims on account of the current expenses of the Convention be allowed, and the President be authorized to draw warrants upon the State Treasurer for the payment of the same:

T. K. Jones & Bro.,	$17.29.
W. D. McGloghlon,	7.00.
The News Publishing Company,	0.96.
The Every Evening Printing Company,	1.55.
Slaughter & Bice,	2.70.

T. O. Culbreth,..... 12.38.
James A. Clifton,..... 56.97.
J. & J. N. Harman,..... 280.00.
Guyer & Hardesty,..... 353.20.

Mr. Cooper moved the report be received and the resolution adopted,

Which motion Prevailed.

Mr. Saulsbury presented bill of George P. Jarrell for $13.10, which, upon his motion, was referred to the Committee on Accounts.

Mr. Donahoe moved that the Convention attend the funeral of the late Judge Leonard E. Wales, to-morrow, and that when the Convention adjourn this afternoon it will be to meet Monday next at 10.30 o'clock, a. m.,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Ellegood moved that the bill of Clarke & McDaniel be taken up from the table for consideration,

Which motion Prevailed.

Recurring to the original resolution as reported by Mr. Saulsbury, it prevailed.

Mr. Spruance moved that the Committee on Accounts report to the Convention a list of articles distributed, to whom distributed, and list of articles now on hand,

Which motion Prevailed.

Motion to adjourn prevailed.

Monday, February 15, 1897.
10.30 o'clock a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll Called. Members Present: Messrs. Bradford, Carlisle, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Murray, Richards, Sapp, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Gilchrist moved that when we adjourn it will be to meet at 3.30 o'clock this afternoon,

Which motion Prevailed.

Mr. Evans presented bills as follows:

The Argus Co.,.....$65.00.
Adams Express Co.,..... .70.

Which, upon his motion, were referred to the Committee on Accounts.

The President presented a communication from the Philanthropic Committee of Wilmington, which was referred, without reading, to the Committee on Crimes, Punishments and Impeachments;

Also, another communication, relating to Woman Suffrage, which was referred, without reading, to the Committee on Elections.

Mr. Cooper presented a communication from the Junior Order of United American Mechanics, which, upon his motion, was referred, without reading, to the Committee on Education.

Motion to adjourn prevailed.

Same Day, 3.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Spruance submitted the second report of the Committee on Elections which, upon his motion, was read, as follows:

Second report of the Committee on Elections.

The Committee on Elections recommend the following amendments to the Constitution:

Strike out the part of the third paragraph of Section 1 of Article IV beginning with the words "And in" and ending with the words "any tax" and insert in lieu thereof the following:

Every male citizen of this State of the age of twenty-one years who shall have been a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last fifteen days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people.

Provided, however, that no person who shall attain the age of twenty-one years after the first day of January, A. D., 1900, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith.

Insert next after Section 1 of Article IV the following:

Section 2. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer, or deliver, or offer, or promise to pay, transfer or deliver, or shall contribute or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted or offered to receive or accept, or paid, transferred, delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money, or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury; but no conviction thereof shall bar any prosecution under Section 2 of Article — of this Constitution.

Section 3. The General Assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person thus registered to vote at any election thereafter held in this State, who is not disqualified under the provisions of the second section of this Article; but no person shall vote at any election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than ninety days nor less than sixty days before and be completed

not more than twenty days nor less than ten days before such election, and application for registration may be made on at least five days during the said period.

Provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only, and each voter shall, at the time of his registration, pay a registration fee of fifty cents.

The registry of voters made in pursuance hereof may be corrected; and from the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested or any registration officer, may appeal to the resident judge of the county, whose determination shall be final, and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and to make and enforce all necessary orders in the premises.

Registration shall not be required for village, town or city elections except by express provision of law.

The existing laws in reference to the registration of voters, not inconsistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Strike out of the tenth line of the third paragraph of Section 1 of Article IV the word "Provided" and insert in lieu thereof the words "And Provided also."

Make Section 2 of Article IV, Section 4.

WILSON T. CAVENDER,
W. C. SPRUANCE,
E. W. COOPER,
J. A. ELLEGOOD,
EDWARD G. BRADFORD.

Mr. Spruance moved that this report, with the first report of Committee on Elections, be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing have 200 copies of the second report of the Committee on Elections printed,

Which motion Prevailed.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration the first and second reports of the Committee on Elections, report progress and ask leave to sit again.

Mr. Martin moved the committee have leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Tuesday February 16, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Sapp, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Spruance presented a communication from the Hon. Joseph M. Carey, which, upon his motion, was read.

The President presented a communication from a member, Mr. Saulsbury, asking for leave of absence, which, upon motion of Mr. Cavender, was granted.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration the second report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee have leave to sit again,

Which motion Prevailed.

Mr. Ellegood moved that we adjourn to meet to-morrow morning at 10.30 o'clock.

Mr. Gilchrist moved to amend, to make it 4 o'clock this afternoon, which amendment prevailed.

Recurring to the original motion as amended, it prevailed.

Same Day, 4 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration the second report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Wednesday, February 17, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Vincent.

Rolled called. Members present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

The President presented a communication from a member, Mr. Hearne, asking for leave of absence, which, upon motion of Mr. Dasey, was granted.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the reports of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration the reports of the Committee on Elections, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the reports of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Martin was elected President pro tempore, when Mr. Moore reported that the Committee of the Whole, having had under consideration the reports of the Committee on Elections, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Thursday, February 18, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooper, Donahoe, Ellegood, Evans, Gilchrist, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Corporations,

Mr. Evans in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Evans reported that the Committee of the Whole, having had under consideration the report of the Committee on Corporations, refer the same back to the Convention, recommending that it be recommitted to the Committee on Corporations.

Mr. Cavender moved that it be recommitted to the Committee on Corporations,

Which motion Prevailed.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration the report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Pratt presented a petition, which, upon his motion, was read, as follows:

"We, the undersigned citizens of Delaware, most respectfully solicit the Constitutional Convention to engraft in the said Constitution a general railroad franchise, giving the right to any company to build railroads at any point in the State."

And further, on his motion, it was referred to the Committee on Corporations.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Martin was elected President pro tempore, when Mr. Moore reported that the Committee of the Whole, having had under consideration the report of the Committee on Elections, report progress and ask that the committee have leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn prevailed.

Friday, February 19, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Horsey, Hering, Johnson, Moore, Murray, Pratt, Sapp, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood moved that when the Convention adjourn it will be to meet Tuesday morning at 10.30 o'clock,

Which motion Prevailed.

Motion to adjourn prevailed.

Tuesday, February 23, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Sapp presented a petition from the citizens of Harrington, praying for the principle of referendum to be incorporated in the new Constitution, which, upon his motion, was read,

And further, on his motion, was referred to the Committee on the Manufacture and Sale of Intoxicating Liquors.

Mr. Ellegood presented a bill of Guyer & Hardesty for $249.80, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the reports of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration the report of the Committee on Elections, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury, on behalf of the Committee on Accounts, submitted the following resolution:

Resolved, That the account of Guyer & Hardesty for $249.80, for stenographic reporting, be allowed, and the President be authorized to draw his warrant upon the State Treasurer in favor of Guyer & Hardesty for $249.80.

Mr. Saulsbury moved that the resolution be adopted,

Which motion Prevailed.

Mr. Gilchrist, on behalf of the Committee on Education, submitted the first report of said committee, which, upon his motion, was read, as follows:

The Committee on Education recommend the following additional Article to the Constitution:

Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall encourage by all suitable means the promotion of intellectual, scientific and agricultural improvement.

Section 2. A State Superintendent of public instruction shall be appointed by the Governor, and confirmed by the Senate, for a term of four years, or until his successor is duly qualified; whose powers, duties and compensation shall be defined by the General Assembly, which may also provide for County Superintendents and such other officers as may be necessary.

Section 3. A tax of not less than one mill, nor more than three mills, on all the taxable property of the State, shall be levied annually, and together with the proceeds from the investments known as the school fund distributed to the several school districts of the State as the General Assembly shall direct; and the fund so distributed shall be used exclusively for the payment of tuition; provided, however, that in such distribution, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All local contingent expenses, for school buildings and maintaining schools, shall be paid by the district incurring the same, as the General Assembly shall direct.

Section 4. The General Assembly shall, within two years after this Constitution goes into effect, provide for a general and uniform system of Free Public Schools throughout the State, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.

Section 5. No portion of any fund now existing, or that which may hereafter be appropriated, or raised by tax for educational purposes, shall be appropriated to, or used by, or in aid of any church, sectarian, or denominational school.

Section 6. All monies received by the State from school taxes, State appropriations, income from stocks or bonds, and all other monies received for school purposes, shall be inviolably used for the support and maintenance of the public schools of this State.

JAMES B. GILCHRIST,
ELIAS N. MOORE,
NATHAN PRATT,
A. L. JOHNSON,
ISAAC K. WRIGHT,
E. W. COOPER.

Mr. Gilchrist moved that this report be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Gilchrist moved that 500 copies of this report be printed,

Which motion Prevailed.

Mr. Spruance, on behalf of the Committee on Elections, submitted and read the third report of said committee, as follows:

Third report of the Committee on Elections.

The Committee on Elections recommend the following amendments to Article IV of the Constitution:

Substitute for the first and second paragraphs of Section 1 of said Article the following:

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot, but the Legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

Insert next after the word "felony" in the fifteenth line of the third paragraph of Section 1 of said Article the following:

"Or incapacitated under the provisions of this Constitution from voting."

Add the following section to said Article:

Section —. Boards of canvass as now established by law are abolished.

The presiding election officer of each hundred or election district shall, on the next day after the election, deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, to the Prothonotary of the Superior Court of the county, who shall, before 12 o'clock noon on the second day after the election, present the same to the said court; and thereupon the said court, with the aid of such of its officers and such sworn assistants as the court shall appoint, shall publicly, in the presence of such electors of the county as shall think proper to be present, ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given

in all the hundreds and election districts of the county, for every person voted for for such office.

The said court shall have all of the powers now vested in the Board of Canvass and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

The committee further recommend that the second report of the committee be amended by striking out of the twenty-first line of Section 3 the words "fifty cents" and substituting in lieu thereof the words "one dollar."

W. C. SPRUANCE,
W. T. CAVENDER,
J. A. ELLEGOOD,
W. A. CANNON,
JOHN W. HERING,
EDWARD G. BRADFORD,
E. W. COOPER.

Mr. Cavender moved that the report be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the second and third reports of the Committee on Elections,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Cannon was elected President pro tempore, when Mr. Moore reported that the Committee of the Whole, having had under consideration the second and third reports of the Committee on Elections, had completed the second report of said committee, which they report back and recommend its adop-

tion, as amended, by the Convention, and further report progress on the third report of the Committee on Elections, and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Bradford asked for leave of absence until Monday, March 1, next, which, upon motion by Mr. Donahoe, was granted.

Mr. Spruance moved that the Committee on Printing have 500 copies of the second report of the Committee on Elections, as amended and reported back from the Committee of the Whole, printed,

Which motion Prevailed.

Mr. Johnson submitted and read the following resolution:

Whereas, The Board of Public Education of the City of Wilmington having very generously furnished desks free of charge for the use of this Convention until our present furniture was ready, therefore, be it

Resolved, That this Convention acknowledge the very friendly and graceful courtesy of said board and hereby extends its thanks for the same.

Mr. Donahoe moved the adoption of this resolution,

Which motion Prevailed.

Mr. Spruance moved that the Committee of the Whole be discharged from the consideration of the third report of the Committee on Elections,

Which motion Prevailed.

Mr. Spruance moved that that portion of the third report of the Committee on Elections relating to the Board of Canvass be referred back to the said committee,

Which motion Prevailed.

Motion to adjourn prevailed.

Wednesday, February 24, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Cooch, Mr. Dasey was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Ellegood moved that a committee of three be appointed to confer with a like committee on the part of the Senate and House in reference to attending the inaugural ceremonies at Washington,

Which motion Prevailed.

And the President pro tempore appointed as said committee, Messrs. Ellegood, Carlisle and Johnson.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of that part of the third report of the Committee on Elections not referred back to the Committee on Elections and for the purpose of renumbering the sections of Article IV,

Mr. Moore in the chair.

After some time spent therein, the President pro tempore resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration that part of the third report of the Committee on Elections not referred

back to the Committee on Elections, and the renumbering of the sections of Article IV, recommend the adoption of the first and second paragraphs of the third report of the Committee on Elections, as amended in Committee of the Whole, and the renumbering of the sections of Article IV, as amended, as follows:

Make that part of Section 1, beginning with the words "Every male citizen" Section 2; make Section 2, Section 3; make Secton 3, Section 4; and make Section 4, Section 5.

Mr. Richards moved that this report be accepted,

Which motion Prevailed.

Mr. Spruance moved to reconsider the vote ordering 500 copies of the second report of the Committee on Elections printed,

Which motion Prevailed.

Mr. Spruance further moved that the Committee on Printing be instructed to have printed 500 copies of Article IV as recommended to be amended by the Committee of the Whole,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Mr. Carlisle moved that Mr. Dasey be made President pro tempore,

Which motion Prevailed.

Mr. Horsey, on behalf of the Committee on Agriculture, presented its first report, which, upon his motion, was read, as follows:

First report of the Committee on Agriculture.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The State Board of Agriculture shall be composed of three Commissioners of Agriculture, one residing in each county in the State, together with the Superintendent of the Delaware College Experiment Station and the Horticulturist; the last two named officers shall be members ex officio. Any three of them shall constitute a quorum for the transaction of business.

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, who shall appoint one to serve for one year, one to serve for two years, and one to serve for three years, and thereafter all appointments shall be for a term of three years, and they shall hold office until their successors are duly qualified. Any vacancies occurring in the office of Commissioner of Agriculture shall be filled by appointment by the Governor for the remainder of the term.

Section 4. The said State Board of Agriculture shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables and cereals, and also all contagious and infectious diseases of horses, cattle and other farm animals; and also shall have the power to investigate and prosecute, under like legislative provisions, all grievances against transportation companies and common carriers; and such other powers as may from time to time be given them by legislative enactment.

Section 5. The General Assembly shall provide by law for the compensation of the members of said State Board of Agriculture, and shall prescribe and define their duties; and also enact suitable provisions for the execution by the said State Board of Agriculture of the powers herein designated.

Section 6. The Commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first incumbents thereof; after which it may be continued or abolished by the General Assembly.

ANDREW J. HORSEY,
ISAAC K. WRIGHT,
DAVID S. CLARK,
ELIAS N. MOORE,
JAMES B. GILCHRIST,
W. T. CAVENDER,
NATHAN PRATT.

Mr. Horsey moved that the report of the Committee on Agriculture be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Richards moved that the Committee on Printing have 500 copies of the report of the Committee on Agriculture printed,

Which motion Prevailed.

Mr. Ellegood, on behalf of the special committee appointed to confer with the committees from the Senate and House, reported, as follows, that arrangements have been made by which the members of the Convention may attend the inaugural ceremonies.

Mr. Johnson moved that the report be accepted,

Which motion Prevailed.

On motion of Mr. Gilchrist, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Education,

Mr. Carlisle in the chair.

After some time spent therein the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Carlisle reported that the Committee of the Whole, having had

under consideration the first report of the Committee on Education, report progress and ask leave to sit again.

Mr. Moore moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Burris asked for a leave of absence until Friday morning next, which, upon motion by Mr. Ellegood, was granted.

Motion to adjourn until to-morrow at 10.30, a. m., prevailed.

Thursday, February 25, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Dasey, Mr. Ellegood was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Evans presented and read a communication from President Biggs asking for leave of absence, which; upon his motion, was granted.

On motion of Mr. Gilchrist, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Education,

Mr. Carlisle in the chair.

After some time spent therein, the Committee of the Whole rose.

The President pro tempore resumed the chair, when Mr. Carlisle reported that the Committee of the Whole, having had under consideration the first report of the Committee on Education, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Gilchrist, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Education,

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the first report of the Committee on Education, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Friday, February 26, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Cooch, Mr. Spruance was elected President pro tempore.

Prayer by the Rev. J. C. Pierce.

Roll called. Members present: Messrs. Burris, Cannon, Cavender, Clark, Cooch, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Dasey presented bill of E. S. R. Butler & Son for $22.70 for stationery, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Martin, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Education,

Mr. Smithers in the chair.

After some time spent therein, the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Smithers reported that the Committee of the Whole, having had under consideration the first report of the Committee on Education, report progress, and ask leave to sit again, and recommend that Section 3, with pending amendments, be referred back to the Committee on Education.

Mr. Gilchrist moved that the report be accepted and the Committee of the Whole be granted leave to sit again,

Which motion Prevailed.

Mr. Gilchrist moved that Section 3 of the report of the Committee on Education be referred back, with pending amendments, to the Committee on Education,

Which motion Prevailed.

On motion of Mr. Horsey, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Agriculture,

Mr. Smithers in the chair.

After some time spent therein, the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Smithers reported that the Committee of the Whole, having had under consideration the report of the Committee on Agriculture, report the adoption of the substitute for the first report of the Committee on Agriculture, as amended.

Mr. Richards moved that the report be received,

Which motion Prevailed.

Mr. Horsey moved that the Committee on Printing have 500 copies of the amended report of the Committee on Agriculture printed,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Dasey moved that when the Convention adjourn it will be to meet Monday next at 10.30 o'clock, a. m,

Which motion Prevailed.

Motion to adjourn prevailed.

Monday, March 1, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Carlisle, Mr. Cooch was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Spruance submitted a resolution, which, upon his motion, was read, as follows:

Resolved, That the Constitution should be amended by the insertion of the following Article:

Section 1. The General Assembly shall, as soon as practicable, provide for the erection and maintenance of a State Penitentiary.

Section 2. The punishment of crime by whipping or pillory shall be unlawful after the first day of January in the year of our Lord one thousand nine hundred and two.

Mr. Spruance moved that this resolution be referred to the Committee on Crimes, Punishments and Impeachments,

Which motion Prevailed.

Mr. Spruance submitted a resolution, which, upon his motion, was read, as follows:

Resolved, That the Constitution should be amended by the insertion of the following Article:

Section 1. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included; and in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and improvements thereon shall be included.

The foregoing provisions of this section shall apply to all assessments of real estate, or the rental value thereof, for taxation for State, county, hundred, school, municipal or other public purposes.

Mr. Spruance moved that this resolution be referred to the Committee on Revenue and Taxation,

Which motion Prevailed.

On motion of Mr. Gilchrist, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Education,

Mr. Orr in the chair.

After some time spent therein, the Committee of the Whole rose.

The President pro tempore resumed the chair, when Mr. Orr reported that the Committee of the Whole, having had under consideration the report of the Committee on Education, report progress and ask leave to sit again.

Mr. Richards moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Gilchrist submitted the following as the second report of the Committee on Education, which, upon his motion, was read, as follows:

Section 3. In addition to the income from the Public School fund, the General Assembly shall make provisions for the annual payment of not less than $100,000.00 for the benefit

of the Public Free Schools, which, with the income of the Public School Fund, shall be annually apportioned among the School Districts on the basis of a per diem for every day taught by each teacher in said districts, during the year ending on the first day of July next preceding the time of such apportionment; and the fund so apportioned shall be used exclusively for the payment of teachers' salaries; provided, however, that in such distribution, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All local, contingent expenses and all expenses for school buildings and for maintaining schools shall be paid by the district incurring the same, as the General Assembly shall provide.

Mr. Gilchrist moved that this report be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Gilchrist, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on Education,

Mr. Orr in the chair.

After some time spent therein, the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Orr reported that the Committee of the Whole, having had under consideration the first and second reports of the Committee on Education, report progress and ask leave to sit again.

Mr. Spruance moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment, and was called to order by President Biggs.

On motion of Mr. Gilchrist, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on Education,

Mr. Orr in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Orr reported that the Committee of the Whole, having had under consideration the first and second reports of the Committee on Education, report the adoption of the first and second reports of the Committee on Education, as amended, and recommend their adoption by the Convention.

Mr. Moore moved that the report be accepted,

Which motion Prevailed.

Mr. Gilchrist moved that the Committee on Printing have 500 copies of the amended report of the Committee on Education printed,

Which motion Prevailed.

Motion to adjourn until 10.30 o'clock, a. m., to-morrow, prevailed.

Tuesday, March 2, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion by Mr. Dasey, Mr. Cavender was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Spruance, Wright.

Journal read and approved.

Mr. Ellegood presented a petition, signed by James E. Thomas and 77 others, praying for the principle of referendum,

Which, upon his motion, was referred, without reading, to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Dasey moved that the Convention take a recess until 11.30 o'clock, a. m.,

Which motion Prevailed.

Same Day, 11.30 o'clock, a. m.

At the expiration of the recess the Convention reassembled.

Mr. Martin moved that when the Convention adjourn it will be to meet Monday next, the 8th inst., at 10.30 o'clock, a. m.,

Which motion Prevailed.

Mr. Martin moved that the Convention accept the invitation tendered by the House of Representatives to hear the Hon. Wm. Jennings Bryan, in the Court House, at 1.45 o'clock p. m.

Mr. Spruance moved to amend by substituting the following:

The Convention tenders its thanks to the House of Representatives for its kind invitation to hear the Hon. Wm. Jennings Bryan this afternoon,

Which was adopted.

Mr. Pratt, on behalf of the Committee on Revenue and Taxation, submitted its first report, which, by unanimous consent, was admitted, and, upon motion by Mr. Gilchrist, directed to be read, as follows:

First report of the Committee on Revenue and Taxation.

Section 1. The General Assembly shall provide by law for an annual revenue, which with other resources shall be sufficient to defray the estimated expenses of the State for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit.

Section 2. No bill, from the operation of which, when passed into a law, revenue may incidentally arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

Section 3. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debts; and all laws authorizing the borrowing of

money by and on behalf of the State shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature receiving the affirmative vote of two-thirds of all the members elected to each branch thereof, and subsequently approved by a majority of all the votes cast at the next general election held after such enactment.

Section 5. The General Assembly may authorize the several counties and incorporated cities and towns of the State to assess and impose taxes for county and municipal purposes within their own limits. The General Assembly may also provide for laying a capitation tax and a tax on licenses, but said capitation tax shall not exceed the sum of one dollar a year and shall be applied exclusively to common school purposes.

Section 6. No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate for taxation for State, county, hundred, school, municipal or other public purposes.

NATHAN PRATT,
E. N. MOORE,
EDWARD D. HEARNE,
D. S. CLARK,
J. WILKINS COOCH.

Mr. Pratt moved that the Committee on Printing have

printed 500 copies of the first report of the Committee on Revenue and Taxation,

Which motion Prevailed.

Mr. Pratt moved that the first report of the Committee on Revenue and Taxation be referred to the Committee of the Whole,

Which motion Prevailed.

Motion to adjourn prevailed.

Monday, March 8, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Dasey, Mr. Cooper was elected President pro tempore.

Prayer by Rev. Mr. Vincent.

Roll called. Members present: Messrs. Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Ellegood presented bill of Guyer & Hardesty for $484.40, which, upon his motion, was referred to Committee on Accounts.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Revenue and Taxation.

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose.

The President pro tempore resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first report of the Committee on Revenue and Taxation, report progress and ask leave to sit again.

Mr. Cooch moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury presented bill of $25, from Thomas M. Gooden, Postmaster,

Which, upon his motion, was referred to the Committee on Accounts.

Mr. Spruance presented bills, as follows:
Charles G. Guyer, typewriting,.....$25.00.
Journal Printing Co., printing,..... 1.69.

Which, upon his motion, were referred to the Committee on Accounts.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

After some time spent therein the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first report of the Committee on Revenue and Taxation, report progress and ask leave to sit again.

Mr. Pratt moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Tuesday, March 9, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary, and, upon motion of Mr. Dasey, Mr. Hering was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Sapp, Saulsbury, Spruance, Wright.

Journal read and approved.

Mr. Donahoe asked to be excused from attendance to-morrow, which, upon motion of Mr. Gilchrist, was granted.

Mr. Hearne asked that the Secretary, Mr. Jones, be excused from attendance to-morrow, which, upon motion of Mr. Clark, was granted.

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Revenue and Taxation,

Mr. Clark in the chair.

After some time spent therein, the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Clark reported that the Committee of the Whole, having had under consideration the first report of the Committee on Revenue and Taxation, report progress and ask leave to sit again.

Mr. Carlisle moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

President Biggs in the chair.

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Revenue and Taxation,

Mr. Clark in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the Chair, when Mr. Clark reported that the Committee of the Whole, having had under consideration the first report of the Committee on Revenue and Taxation, report progress and ask leave to sit again.

Mr. Moore moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Cavender offered, as an additional section to the first report of the Committee on Revenue and Taxation, the following, which he read:

No county, city, town or other municipality shall loan its credit, or appropriate money to, or assume the debt or become a shareholder or joint owner in or with any private corporation, or any person or company whatever. Neither shall any county school district or municipal corporation become in-

debted, in any manner or for any purpose, to an amount, excluding indebtedness existing at the adoption of this Constitution, in the aggregate exceeding .. per centum on the value of the taxable property therein, to be ascertained by the last assessment for county taxes, prior to the incurring such indebtedness, and all contracts by which indebtedness beyond such limits would be incurred by any municipal corporation shall be void.

Any county, school district or municipal corporation incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within .... years.

Upon his motion the proposed section was referred to the Committee on Revenue and Taxation.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Wednesday, March 10, 1897.
10.30 o'clock a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Dasey, Ellegood, Evans, Gilchrist, Hearne, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Pratt moved that the Committee on Corporations be increased by the addition of two members,

Which motion Prevailed.

The chair appointed as the additional members, Messrs. Bradford and Cooper.

On motion of Mr. Martin, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Revenue and Taxation,

Mr. Evans in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Evans reported that the Committee of the Whole, having had under consideration the first report of the Committee on Revenue and Taxation, requests that it be referred back to the standing committee on the subject.

Mr. Spruance moved that the report be accepted,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., to-day, prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Called to order by Assistant Secretary, Mr. Morgan T. Gum.

On motion of Mr. Ellegood, Mr. Johnson was elected President pro tempore.

Mr. Moore presented a communication from the Wilmington Preachers' Association, which, upon his motion, was read, and further, on his motion, was referred to the Committee on Crimes and Punishments.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Thursday, March 11, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Bishop Walden.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented a petition praying for the principle of referendum to be incorporated in the Constitution, endorsed by forty-two signers, which, upon his motion, was referred to the Committee on Manufacture and Sale of Intoxicating Liquors.

Mr. Saulsbury presented a communication from Mr. Wm. T. Smithers, which, on his motion, was read, and further, on his motion, was referred to the Committee on Accounts.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the request of Mr. Smithers, a member of the Convention, for an advance of $175.00 on account of salary, recommends the adoption of the following resolution:

Resolved, That the sum of one hundred and seventy-five dollars be advanced to William T. Smithers, on account of salary as a member of this Convention, and the President of the Convention is hereby authorized to draw his warrant upon the State Treasurer for the payment of the same.

Mr. Saulsbury moved the adoption of the report and resolution,

Which motion Prevailed.

Mr. Horsey asked for leave of absence for to-morrow, and, upon motion by Mr. Martin, it was granted.

The President presented a communication from the Democratic League of Delaware, which was read.

Mr. Dasey presented a communication from Mrs. Annie Wilson Hearne, and, on motion of Mr. Martin, it was read as follows, and ordered to be spread on the Journal:

Georgetown, Delaware,
March 11th, 1897.

To the members of the Constitutional Convention of the State of Delaware,

Gentlemen:—Mr. Hearne joins me in thanking you for the beautiful and valuable silver ice-cream dish which you kindly presented to me on the occasion of our marriage on the 17th ultimo. I accept the present as a sincere expression of your good-will toward us and as an earnest of your well wishes for our future domestic happiness and material prosperity, and I assure you that I shall ever cherish the same as a token of the friendship of the individual members of the Convention for Mr Hearne and myself.

Very respectfully,

ANNIE WILSON HEARNE.

Motion to adjourn until 2.30 o'clock this afternoon, prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom sundry bills were referred, recommends the adoption of the following resolution:

Resolved, That the following claims on account of the current expenses of the Convention be allowed, and the President of the Convention is hereby authorized to draw warrants upon the State Treasurer for the payment of the same:

Adams Express Company,	$ 0.70.
The Argus Company,	65.00.
George P. Jarrell,	13.10.
E. R. S. Butler,	22.70.
The Journal Printing Company,	1.69.
Charles G. Guyer,	13.80.
Thomas M. Gooden, postmaster,	25.00.
Guyer & Hardesty,	484.40

Mr. Cooch moved that the report of the Committee on Accounts be accepted,

Which motion Prevailed.

Mr. Johnson presented and read the following resolution:

Resolved, That the Secretary of this Convention be and he is hereby instructed to suitably acknowledge the receipt of the courteous invitation received this morning from the Secretary of the Democratic League of Delaware at Wilmington, to hear an address by Senator Tillman, of South Carolina, and inform him that the Convention finds it inconvenient to attend,

And moved its adoption,

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Friday, March 12, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messers. Bradford, Burris, Cannon, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Hering, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Pratt submitted the second report of the Committee on Revenue and Taxation,

Which, upon motion by Mr. Cavender, was received and read as follows:

Second report of the Committee on Revenue and Taxation:

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public interests.

Section 2. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose alterations as on other bills; and no bill, from the operation of which, when passed into a law, revenue may incidentally arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

Section 3. No money shall be borrowed or debt created by or on behalf of the State but pursuant to an act of the Gen-

eral Assembly which shall receive the concurrence of three-fourths of all the members elected to each House, except to supply occasional deficiencies of revenue, repel invasion, suppress insurrections, defend in the State in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed, or any part thereof, be left after the abandonment of such purpose or the accomplishment thereof, such money or the surplus thereof may be disposed of according to law.

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature receiving the affirmative vote of three-fourths of all the members elected to each branch thereof.

Section 5. The General Assembly may also provide for levying a capitation tax upon every male citizen of the State of the age of twenty-one years and over, but said capitation tax shall not exceed the sum of one dollar a year and shall be used exclusively in the county in which it is collected and for maintaining the roads and bridges of such county.

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by bill enacted into law, and a regular account of the receipts and expenditures of all public money shall be published annually, provided, however, that the compensation of members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to a joint resolution in that behalf.

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and the improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate

or the rental value thereof for the taxation for State, county, hundred, school, municipal or other public purposes.

Section 8. No county, city, town or other municipality shall loan its credit or appropriate money to, or assume the debt or become a shareholder or joint owner in or with, any private corporation or any person or company whatever. Neither shall any county, school district or municipal corporation become indebted in any manner or for any purpose to an amount exceeding ten per centum on the assessed value of the real estate therein, said value to be ascertained by the last assessment for county taxes prior to the incurring such indebtedness, and all contracts by which indebtedness beyond such limits would be incurred by any municipal corporation shall be void. Any county, school district or municipal corporation incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within twenty years.

NATHAN PRATT,
E. N. MOORE,
EDWARD D. HEARNE,
D. S. CLARK,
J. WILKINS COOCH.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

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Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

The Convention was called to order by the Secretary.

On motion of Mr. Dasey, Mr. Cooper was elected President pro tempore.

Motion to adjoun until Monday morning at 10.30 o'clock, a. m., prevailed.

Monday, March 15, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Spruance, Mr. Cavender was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs, Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Carlisle presented a communication, which, upon his motion, was referred to the Committee on Elections.

Mr. Ellegood presented bill of Guyer & Hardesty for $305.40, which, upon his motion, was referred to the Committee on Accounts.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment, and was called to order by President Biggs.

Mr. Spruance submitted the second report of the Committee on Judiciary, which was read, as follows:

Second report of the Committee on the Judiciary.

The Committee on the Judiciary recommends that the following be substituted for Article VI of the Constitution:

ARTICLE VI.

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time by law establish.

Section 2. There shall be six State judges; one of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State, but no two of them shall reside in the same county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor, by and with the

consent of three-fifths of all the members elected to the Senate, for the term of twelve years, if they shall so long behave themselves well, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and such other executive business as may come before it for action. Such vacancy shall be filled as aforesaid for the full term.

The said appointments shall be such, that no more than three of the said six judges, in office at the same time, shall have been appointed from the same political party.

Section 4. Any of the said judges shall have the right to resign his office after reaching the age of seventy years, and thereafter receive the full salary attached to the office until the end of the term for which he was appointed, provided, that during said term and before his resignation, he shall have continued in the active discharge of his office for at least one-half of said term.

Section 5. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

Section 6. The Chief Justice and the four Associate Judges shall be the judges of the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer.

They shall designate those of their number who shall hold the said courts in the several counties; but no more than three of them shall sit together in any of the said courts. In each of the said courts the Chief Justice, when present, shall preside, and in his absence the senior Associate Judge present shall preside. Two shall constitute a quorum in the said courts respectively, but one may open and adjourn court.

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law, and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

Section 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

Section 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

Section 10. Two sessions of the Superior Court, Court of General Sessions or Court of Oyer and Terminer may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

Section 11. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

Section 12. The Orphans' Court in each county shall consist of the Chancellor and the Associate Judge required to reside in the county. The Chancellor, when present, shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal, if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

Section 13. The Supreme Court shall have jurisdiction, as follows:

1. To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

2. To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, or imprisonment exceeding six months, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution.

3. To receive appeals from the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution, and to determine finally all matters of appeal in such cases.

4. To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in Chancery.

Section 14. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Section 15. The Supreme Court upon an appeal from the Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Section 16. Whenever the Superior Court, Court of Oyer and Terminer or Court of General Sessions shall consider that a question of law ought to be heard by the Court in Banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the Court in Banc shall consist of the Chief Justice and the four Associate Judges. The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn the court.

The Superior Court, Court of Oyer and Terminer or Court of General Sessions in exercising this power, may direct a cause to be proceeded in to verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

Section 17. In matters of chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Section 18. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

Section 19. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county.

Section 20. The General Assembly, notwithstanding anything contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Orphans' Court, or the Court of Chancery, in any matter, or giving any power to either of said courts. The General Assembly shall also have power to confer upon the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers additional to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the Court of Errors and Appeals.

Section 21. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, beside the general powers of the Court of Chancery; and the Chief Justice and Associate Judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

Section 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

Section 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

Section 24. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing upon such terms as they shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial or inability by reason of age, sickness, bodily infirm-

ity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

Section 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the cost then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Section 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias, thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

Section 27. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all cost, or otherwise abide the decree in appeal or the judgment in error, if he fails to make his plea good.

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, but within five years from this time; nor upon any judgment hereafter to

be confessed, entered or rendered, but within five years after the confessing, entering, or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compus mentis, or a prisoner, and then within five years exclusive of the time of such disability.

Section 29. The Prothonotary of the Superior Court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.

Section 30. The General Assembly may by law give to any inferior courts by them established, or to be established, or to one or more justices of the peace, jurisdiction of criminal matters where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days, or both. The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions. The matters within this section are hereby expected and excluded from the provision of the Constitution, that "no person shall for any indictable offence be proceeded against criminally by information" and also from the provisions of the Constitution concerning trial by jury.

Section 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be provided by law, who shall be commissioned for five years, if so long they shall behave themselves well.

Section 32. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law, if so long they shall behave themselves well; and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate

shall not be in session such vacancy shall be filled by appointment by the Governor until the Senate shall next be in session.

Section 33. The Governor may for any reasonable cause, in his discretion, remove any judge or justice of the peace on the address of two-thirds of all the members elected to each House of the General Assembly. In all cases where the General Asembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive such notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

Section 34. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing, and make part of the proceedings in the cause. This court may issue process throughout the State to compel the attendance of witnesses. Appeals may be made from a Register's Court to the Superior Court, whose decisions shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

Section 35. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same, according to the very right of the matter, and the law of the land; which account so settled shall remain in his office for inspection; and the executor or administrator shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both

sides of every such account, either denying the justice of the allowances made to the accountant, or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

Section 36. The style in all process and public acts shall be the THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

W. C. SPRUANCE,
MARTIN B. BURRIS,
EDWARD D. HEARNE,
CHARLES F. RICHARDS,
GEORGE H. MURRAY,
WOODBURN MARTIN,
WILSON T. CAVENDER,
EDWARD G. BRADFORD.

Mr. Spruance moved that the Committee on Printing have 500 copies of the second report of the Committee on the Judiciary printed,

Which motion Prevailed

Mr. Spruance moved that the second report of the Committee on the Judiciary be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Revenue and Taxation,
Mr. Gilchrist in the chair.

After some time spent therein Committee of the Whole rose.

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under

consideration the second report of the Committee on Revenue and Taxation, report progress and ask leave to sit again,

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Tuesday, March 16, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. T. P. Revelle.

Roll called. Members present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on Revenue and Taxation, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

After some time spent therein the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on Revenue and Taxation, report to the Convention the adoption, with the amendments, by the Committee of the Whole, of Sections 1, 2, 3, 4, 6, 7 and that portion of Section 8 down to the word "Neither" in the fifth line, and that the Committee of the Whole recommend that the remaining portion of Section 8 be recommitted to the standing committee, and that the Committee of the Whole have leave to sit again in reference to Section 5.

Mr. Carlisle moved that the report be accepted and the leave asked for be granted,

Which motion Prevailed.

Mr. Spruance moved that that part of Section 8 after the word "whatever" in line five be recommitted to the standing Committee on Revenue and Taxation,

Which motion Prevailed.

Motion to adjourn until to-morrow 10.30 o'clock, a. m., prevailed.

Wednesday, March 17, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Vincent.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Orr, Pratt, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury presented a communication from C. R. Jones, Secretary, which, upon his motion, was referred to the Committee on Accounts.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred the bill of Guyer & Hardesty for $305.40, for stenographic reporting, and the request of C. R. Jones, for advance of two hundred dollars on account of salary as Secretary, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be, and he is hereby, authorized to draw warrants upon the State Treasurer as follows:
Guyer & Hardesty, for stenographic reporting,.....$305.40.
Charles R. Jones, on account of salary as Secretary,... 200.00.

Mr. Cooch moved that the report and resolution be adopted,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same day, 2 o'clock p. m.

Convention met pursuant to adjournment.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of part of the second report of the Committee on Revenue and Taxation, Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Wright was elected President pro tempore, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration part of the second report of the Committee on Revenue and Taxation, report progress and ask leave to sit again.

Mr. Burris moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow 10.30 o'clock, a. m., prevailed.

Thursday, March 18, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Vincent.

Roll called. Members present: Messrs. Bradford, Burris, Carlisle, Clark, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Bradford moved that the Convention sit Monday night, Tuesday night, Wednesday night and Thursday night of each week until its labors are completed or the Convention shall otherwise order,

Which motion Prevailed.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of part of the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration part of the second report of the Committee on Revenue and Taxation, report the adoption, as amended, of Section 5, and recommend its adoption by the Convention.

Mr. Dasey moved that the report of the Committee of the Whole be accepted,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on the Judiciary,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on the Judiciary, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Cooper moved that the committee who had the room prepared have a ventilator fixed in the ceiling, before Monday next,

Which motion Prevailed.

Motion to adjourn until 10.30 o'clock, a. m., to-morrow, prevailed.

Friday, March 19, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Vincent.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Murray, Orr, Pratt, Richards, Sapp, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented a communication, which was read and, upon his motion, referred to the Committee on Accounts.

Mr. Ellegood, on behalf of the Committee on Accounts, presented the following:

The Committtee on Accounts, to whom was referred the request of Dr. Nathan Pratt for an advance of two hundred dollars on account of salary, recommend the adoption of the following resolution:

Resolved, That the President of the Convention be, and is hereby, authorized to draw a warrant upon the State Treasurer as follows:

Hon. Nathan Pratt,.....$200.00.

One hundred dollars of the above amount having been paid per order No. 15, issued January 27, 1897.

Mr. Martin moved that the report of the Committee on Accounts be adopted,

Which motion Prevailed.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on the Judiciary,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on the Judiciary, report progress and ask leave to sit again.

Mr. Richards moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

The President presented a communication from the Wilmington Annual Conference of the Methodist Episcopal Church, which was read, and, upon the motion by Mr. Evans, referred to the Committee on the Manufacture and Sale of Intoxicating Liquors.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on the Judiciary,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on the Judiciary, report progress and ask leave to sit again.

Mr. Richards moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until Monday at 10.30 o'clock, a. m., prevailed.

Monday, March 22, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Called to order by the Secretary.

On motion of Mr. Dasey, Mr. Murray was elected President pro tempore.

Prayer by the Rev. T. P. Revelle.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Clark, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Sapp, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented bill of Guyer & Hardesty for $356.40, which, upon his motion, was referred to the Committee on Accounts.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Judiciary,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on Judiciary, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Spruance moved that the first report of the Committee on the Judiciary be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Bradford moved that when we adjourn it will be to meet at 7.30 o'clock p. m.,

Which motion Prevailed.

Motion to adjourn prevailed.

Same Day, 7.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the first and second reports of the Committee on Judiciary,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first and second reports of the Committee on Judiciary, report the adoption of the amended report of the Committee on the Judiciary and recommend its adoption by the Convention.

Mr. Spruance moved that the report of the Committee of the Whole on the amended report of the Committee on the Judiciary be accepted,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing have 500 copies of the amended report of the Committee on the Judiciary printed,

Which motion Prevailed.

Motion to adjourn until 10.30 o'clock, a. m., to-morrow, prevailed.

Tuesday, March 23, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Spruance, on behalf of the Committee on Elections, presented its fourth report, which was read as follows:

Fourth report of the Committee on Elections.

The Committee on Elections recommend that the following section be added to Article IV, as adopted in Committee of the Whole:

Section 6. The presiding election officer of each hundred or election district shall, on the day next after the general election, deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, containing the ballots, the other certificate of election and such other papers as shall by law be required to be placed

therein, to the Prothonotary of the Superior Court of the county, who shall at 12 o'clock noon on the second day after the election present the same to the said court, which shall convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificate of election of any hundred or election district shall not be produced, or in case of complaint under oath of fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such certificate, the court shall have power to issue summary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a re-count of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the Boards of Canvass, and such other powers shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

For the purposes of this section the Superior Court shall consist in New Castle county of the Chief Justice and the resident Associate Judge; in Kent county of the Chancellor and the resident Associate Judge; and in Sussex county of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have

power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

W. C. SPRUANCE,
W. T. CAVENDER,
JOHN W. HERING,
J. A. ELLEGOOD,
W. A. CANNON,
E. W. COOPER,
EDWARD G. BRADFORD.

Mr. Spruance moved that the fourth report of the Committee on Elections be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing have 100 copies of the fourth report of the Committee on Elections printed,

Which motion Prevailed.

Mr. Moore, on behalf of the Committee on Crimes, Punishments and Impeachments, submitted its first report, which was read, as follows:

Report of Committee on Crimes, Punishments and Impeachments:

ARTICLE VI.

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators.

Section 2. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime and misdemeanor in office. Judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor,

trust, or profit, under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment according to law.

Section 3. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the Government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 4. If any officer whose office is established by this Constitution, or shall be established by law, shall become incapable of the proper discharge of the duties of his office by reason of protracted physical disability or incompetency, or from other sufficient cause less than cause of impeachment, such officer may be removed by the Governor, application to that effect being made to him by a concurrence of two-thirds of each branch of the General Assembly.

E. N. MOORE,
J. WILKINS COOCH,
W. F. SMITHERS,
LOWDER L. SAPP,
JAS. B. GILCHRIST,
A. L. JOHNSON.

Mr. Moore moved that this report be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Murray, on behalf of the Committee on Accounts, presented the following:

The Committee on Accounts, to whom was referred bill of Guyer & Hardesty of $356.40, on account of stenographic reporting, recommend the adoption of the following resolution:

Resolved, That the President of the Convention be and is hereby authorized to draw a warrant upon the State Treasurer in favor of Guyer & Hardesty for $356.40.

Mr. Ellegood moved that the report be adopted,

Which motion Prevailed.

Mr. Ellegood, on behalf of the Committee on Manufacture and Sale of Intoxicating Liquors, submitted its first report, which was read, as follows:

Majority report of the Committee on the Manufacture and Sale of Intoxicating Liquors.

The Committee on Manufacture and Sale of Intoxicating Liquors recommend the adoption of the following, as sections in the Constitution of Delaware, to be inserted under an appropriate title:

Section 1. The citizens of this State who shall be qualified to vote under the provisions of this Constitution may vote by districts, as hereinafter provided, for or against the licensing, of any person or persons, firm or firms, corporation or corporations, to manufacture or to sell intoxicating liquors, either spirituous, vinous or malt, in said districts respectively; and if a majority of votes cast in any district be against granting license, no intoxicating liquors, either spirituous, vinous or malt, shall be manufactured or sold within the limits of said district, until the will of the people, expressed as hereinafter provided, shall be shown to be in favor of granting such license.

Section 2. The first vote under the provisions of this Article shall be taken at the general election to be held on Tuesday next after the first Monday in November, A. D., 1898, and the will of the people as then expressed by the majority of the votes cast at such general election shall control the granting or withholding of license to manufacture, or sell intoxicating liquor, either spirituous, vinous or malt, within the limits of said district, until the General Assembly, upon the petition of one-fourth of the registered voters of any district, shall provide for a vote, for or against license at the general election next after the session of the General Assembly, and the will of the people as then expressed by the majority of the votes cast at such general election shall control the granting or withholding of license to manufacture or to sell intoxicating liquor, either spirituous, vinous or malt, within the limits of said district; and it shall be the duty of the General Assembly, upon the petition of one-fourth the registered voters of any district, to provide for a vote to be had at the general election next

after the session of the General Assembly, and the will of the people as expressed by the majority of votes cast at such general election shall control the granting or withholding of license to manufacture or to sell intoxicating liquor, either spirituous, vinous or malt, within the limits of said district.

Section 3. Under the provisions of this Article Sussex county shall comprise one district, Kent county one district, the City of Wilmington, as its corporate limits now are or as they may hereafter be extended, one district and the remaining part of New Castle county one district.

Section 4. The provisions of this Article of the Constitution shall not apply to druggists, who may be licensed to sell intoxicating liquor for sacramental purposes or for medicinal purposes under a prescription from a practicing physician in this State, subject to such regulations as shall be prescribed by law; provided, however, no one shall be considered a druggist within the meaning of this Article, except such person or persons as shall have, at the time of application and during the time for which license is granted, a stock of drugs of the value of one thousand dollars and shall file with the application for license a statement showing the value of the stock to be one thousand dollars and an affidavit that it will continue to be of the same amount during the time for which such license is asked.

Section 5. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, and shall enact laws governing the manufacture and sale of intoxicating liquors under the limitations of this Article of the Constitution and provide such penalties as may be necessary to enforce the same.

JOSHUA A. ELLEGOOD,
WILLIAM A. CANNON,
CHARLES F. RICHARDS,
E. N. MOORE,
LOWDER L. SAPP,
MARTIN B. BURRIS,
PARIS T. CARLISLE, JR.

Mr. Ellegood moved that the report of the Committee on

Manufacture and Sale of Intoxicating Liquors be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Hering submitted a minority report, or substitute for the majority report of the Committee on Manufacture and Sale of Intoxicating Liquors, which was read, as follows:

ARTICLE —.

Section 1. The General Assembly may provide by law for the submission to the vote of the qualified electors of the several counties, hundreds, districts or other territorial divisions of the State, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof.

On motion of Mr. Hering, this minority report was referred to the Committee of the Whole.

Mr. Ellegood moved that the Committee on Printing have 500 copies of each report submitted from the Committee on Manufacture and Sale of Intoxicating Liquors, printed,

Which motion Prevailed.

Motion to adjourn until 7.30 o'clock, p. m., prevailed.

Same Day, 7.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Hering presented a bill for $18.00 from the Sentinel Printing Co., which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the fourth report of the Committee on Elections,

Mr. Pratt in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Pratt reported that the Committee of the Whole, having had under consideration the fourth report of the Committee on Elections, report the adoption of the fourth report as amended, viz: Section 6, by the Committee of the Whole, and recommend its adoption by the Convention.

Mr. Saulsbury moved that the report of the Committee of the Whole, on the fourth report from Committee on Elections, be accepted, as amended and adopted in Committee of the Whole,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing have printed 500 copies of the amended fourth report of Committee on Elections,

Which motion Prevailed.

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Crimes, Punishments and Impeachments,

Mr. Evans in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Evans reported that the Committee of the Whole, having had under consideration the first report of the Committee on Crimes, Punishments and Impeachments, report the adoption of Sections 1, 2 and 3, as amended, by the Committee of the Whole, and recommend their adoption by the Convention.

Mr. Spruance moved that the report of the Committee of the Whole on the first report of the Committee on Crimes, Punishments and Impeachments be accepted, as amended and adopted in Committee of the Whole,

Which motion Prevailed.

Mr. Cooch moved that the Committee on Printing have printed 200 copies of the first report of the Committee on Crimes, Punishments and Impeachments, as amended and adopted in Committee of the Whole,

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Wednesday, March 24, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. C. A. Grise.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Murray, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Richards stated his inability to be present for some days, and, upon motion by Mr. Saulsbury, leave of absence was granted.

Mr. Spruance moved that an additional member be appointed on the Committee on the Legislature.

Mr. Saulsbury moved, as an amendment, that Mr. Richards have the privilege of substituting some person to attend for him in his absence.

Mr. Cooch moved to postpone action on both resolution and amendment,

Which motion Prevailed.

Mr. Donahoe asked for leave of absence to-morrow, which, upon motion by Mr. Hearne, was granted.

Mr. Richards moved that the night sessions be dispensed with.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Cavender, Donahoe, Martin, Richards.

Nays—Messrs. Burris, Cannon, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Pratt, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 5; nays, 20.

So the question was decided in the negative, and the motion was declared lost.

Mr. Cannon asked for leave of absence, which, upon motion of Mr. Hering, was granted.

Mr. Horsey asked for leave of absence, which, upon motion of Mr. Hearne, was granted.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30, p. m.

Convention met pursuant to adjournment.

Mr. Richards, on behalf of the Committee on the Legislature, presented and read its third report, as follows:

The Senate shall be composed of seventeen members, and the Senators shall be chosen for four years.

The House of Representatives shall be composed of thirty five members, who shall be chosen for two years.

The Senate is hereby divided into seventeen Senatorial districts, from each of which shall be chosen one Senator. The Senatorial districts shall be numbered from one to seventeen inclusive. The State is also hereby divided into thirty-five Representative districts, from each of which shall be chosen one Representative. The Representative districts shall be

numbered from one to thirty-five inclusive. The Senatorial districts are as follows:

* * * * * * *

The Representative districts are as follows:

* * * * * * *

CHARLES F. RICHARDS,
J. WILKINS COOCH,
G. H. MURRAY,
WILLIAM SAULSBURY,
EDWARD G. BRADFORD,
WOODBURN MARTIN.

Mr. Richards moved that this third report from the Committee on the Legislature be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Martin moved that the Committee on Printing have printed 100 copies of the third report of the Committee on the Legislature,

Which motion Was Lost.

Mr. Johnson moved to reconsider the vote by which the motion to have 100 copies printed of the report of the Committee on the Legislature, was lost,

Which motion Prevailed.

Recurring to the original motion, it prevailed.

Mr. Bradford moved to adjourn until 7.30 o'clock, p. m.

Mr. Ellegood moved to amend until to-morrow at 10.30 o'clock, a. m.,

Which amendment Prevailed.

The motion, as amended, prevailed.

And the Convention adjourned until to-morrow, 10.30 o'clock, a. m.

Thursday, March 25, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev J. H. Beachamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Biggs moved that Sections 31 and 32 and renumbering remaining sections of the second report of the Committee on the Judiciary, as amended in the Committee of the Whole, be referred to the Committee of the Whole.

Mr. Johnson moved to amend that the whole report be referred back,

Which amendment Was Lost.

Recurring to the original motion, it prevailed.

On motion of Mr. Biggs, the Convention resolved itself into Committee of the Whole for the consideration of Sections 31 and 32 and renumbering the remaining sections of the second report of the Committee on the Judiciary, as amended and adopted in Committee of the Whole,

Mr. Moore in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Moore reported that the Committee of the Whole, having had under consideration Sections 31 and 32 and had renumbered the remaining sections of the second report of the Committee on the Judicia-

ry, as amended and adopted in Committee of the Whole, and further reported Section 31 amended, and Section 32 stricken out, and the renumbering of the remaining sections as follows: Section 33 was made 32, Section 34 was made 33 and Section 35 was made 34.

Mr. Gilchrist moved the acceptance of the report,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m. to-day, prevailed.

———

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Called to to order by the Secretary.

Upon motion by Mr. Ellegood, Mr. Saulsbury was made President pro tempore.

Mr. Ellegood moved that when this Convention adjourn it be to meet to-morrow at 10.30 o'clock, a. m.,

Which motion Prevailed.

Motion to adjourn prevailed.

Friday, March 26, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Adam Stengle.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Pratt submitted the second report of the Committee on Corporations, which was read, as follows:

Second report of the Committee on Corporations.

Section 1. No corporation shall be created or revived by special act, but only by or under general law, nor shall any existing corporate charter be extended, renewed, altered or amended by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporaucational purposes, sustained in whole or in part by the State. tions or corporations for charitable, penal, reformatory or ed- The General Assembly shall, by general law, provide for the revocation or forfeiture of the charters of all corporations for the abuse, misuse or non-user of their corporate powers, privileges of franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney General, as may be provided by law.

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter altered or amended without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Section 3. All existing corporations, and all corporations hereafter created under general law, under which a bona fide organization shall not have taken place and business commenced in good faith within two years after the granting the same, shall thereafter be void and of no effect.

Section 4. No corporation shall issue stocks or bonds, except for money paid, labor done or personal property in actual possession, or the fee simple title to real estate actually acquired by such corporation, and neither labor nor property shall be received in payment of stock or bond at a greater price than the market value at the time the said labor was done or property delivered or title acquired.

Section 5. No corporation created under general law shall commence business until ten per centum of its whole capital shall have been paid into its treasury in cash; nor shall the stock or bonded indebtedness of corporations be increased, except pursuant to general law, nor without the consent of the holders of a majority of the stock outstanding first obtained at a meeting called for the purpose, public notice thereof having been first given, as may be provided by law.

Section 6. In all elections for directors or managers of stock corporations each shareholder may cast the whole number of votes to which he is entitled for one candidate or distribute them among two or more candidates.

Section 7. Dues from corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by law.

Section 8. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom service of legal process may be served.

Mr. Bradford moved that the report of the Committee on Corporations be recommitted,

Which motion Prevailed.

Mr. Spruance submitted the third report of the Committee on the Governor and Other Executive officers, which was read, as follows:

The Committee on the Governor and Other Executive Officers recommend the following amendments to the Constitution:

Substitute the following in lieu of Article III.

ARTICLE III.

Section 1. The supreme executive powers of the State shall be vested in a Governor.

Section 2. The Governor shall be chosen by the qualified electors of the State, once in every four years, at the general election.

Section 3. The returns of every election for Governor shall be sealed up, and immediately transmitted to the President of the Senate, or in case of the vacancy of the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be elected, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county. The person having the highest number of votes shall be Governor; but if two or more shall be equal in the highest number of votes, the members of the two Houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the President of the Senate shall have an additional casting vote.

Section 4. Contested elections of the Governor or Lieutenant Governor shall be determined by a joint committee, consisting of one-third of all the members of each branch of the General Assembly, to be selected by ballot of the Houses respectively; every person of the committee shall take an oath or affirmation that in determining the said election he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice shall preside upon the trial of any contested election of Governor or Lieutenant Governor, and shall

decide questions regarding the admissibility of evidence, and shall, upon the request of the committee, pronounce his opinion upon other questions of law involved in the trial.

Section 5. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election; and shall not be eligible a third time to said office.

Section 6. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Section 7. The Governor shall be at least thirty years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the General Assembly after his election, and the last six years of that term an inhabitant of this State, unless he shall have been absent on public business of the United States or of this State.

Section 8. No member of Congress, nor person holding any office under the United States or this State, shall hold or exercise the office of Governor.

Section 9. The Governor shall, at stated times, receive for his services an adequate salary to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

Section 10. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into service of the United States.

Section 11. He shall have power, except in cases herein otherwise provided, to appoint, by and with the consent of three-fifths of all the members elected to the Senate, such officers as he is or may be authorized by this Constitution or by law to appoint. He shall have power to fill all vacancies that may happen during the recess of the Senate, in all offices to which he may appoint, excepting vacancies in the office of Chancellor, Chief Justice and Associate Judges, by granting commissions which shall expire at the end of the next session of the Senate.

He shall have power to fill all vacancies that may happen

in the elective offices by granting commissions which shall expire when their successors shall be duly elected and qualified.

In case of vacancy in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

No confirmation by the Senate shall be required in case of offices, the salary, fees and emoluments of which shall not exceed the sum of five hundred dollars.

Section 12. The Governor shall appoint, by and with the consent of three-fifths of all the members elected to the Senate, a Secretary of State, who shall hold office during the Governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either branch of the General Assembly, lay the same, and all papers, minutes and vouchers, relative thereto, before them, and shall perform such other duties as shall be enjoined upon him by law. He shall have a compensation for his services to be fixed by law.

Section 13. No person shall be elected or appointed to an office within a county who shall not have a right to vote for Representatives in the General Assembly, and have been a resident therein one year next before his election or appointment nor hold the office longer than he continues to reside in the county, except in cases herein otherwise provided.

No member of Congress, nor any person holding or exercising any office under the United States, shall at the time be a member of the General Assembly or hold or exercise any office of profit under this State.

No person shall hold more than one of the following offices at the same time, to-wit: Governor, Lieutenant Governor, Secretary of State, Attorney General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

Section 14. All commissions shall be in the name of the State, shall be sealed with the great seal, and be signed by the Governor.

Section 15. All officers shall hold their offices on condition that they behave themselves well while in office, and shall be removed by the Governor on conviction of misbehavior in office or of any infamous crime.

The Governor may for any reasonable cause remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each branch of the General Assembly. In all cases when the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

Section 16. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon nor reprieve for more than six months shall be granted, nor sentence commuted, except upon the recommendation in of a majority of the Board of Pardons after a full hearing; and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof.

He shall set forth in writing, fully, the grounds of all reprieves, pardons and remissions, to be entered in the register of his official acts, and laid before the General Assembly at their next session.

Section 17. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Section 18. He shall, from time to time, give to the General Assembly information of affairs concerning the State and recommend to their consideration such measures as he shall judge expedient.

Section 19. He may on extraordinary occasions convene the General Assembly; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

Section 20. He shall take care that the laws be faithfully executed.

Section 21. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law. But in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Ex-

ecutive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor; and before the same shall take effect be approved by him, or, being disapproved by him, shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

Section 22. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as the Governor; he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

The Lieutenant Governor while acting as President of the Senate, or as a member of the Board of Pardons, or as Governor during a temporary disability of the Governor, shall receive for his services the same compensation as the Speaker of the House of Representatives.

Section 23. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve upon the Lieutenant Governor; and in case of removal, death, failure to qualify, resignation, or inability of both the Governor and Lieutenant Governor, the Secretary of State, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the President pro tempore of the Senate, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Speaker of the House of Representatives shall act as Governor until the disability of the Governor or Lieutenant Governor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions shall apply only to such persons as are eligible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Secretary of State or Attorney General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of Representatives, his seat as a member of the General Assembly shall become vacant; and any such vacancy shall be filled as provided by this Constitution.

Add the following Article:

ARTICLE ——.

Section 1. The Board of Pardons shall be composed of the Lieutenant Governor, Secretary of State and the Registers of Wills of the respective counties.

In case the Lieutenant Governor shall become Governor, and while he shall be in the exercise of the office of Governor as herein provided, he shall cease to be a member of said board.

Section 2. The said board may require information from the Attorney General upon any subject relating to the duties of said board.

Strike out Sections 3 and 4 of Article VII and insert in lieu thereof the following:

ARTICLE ——.

Section 1. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts shall be two years. These officers shall be chosen by the qualified electors of the State at the general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

Section 2. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be two years. These officers shall be chosen by the qualified

electors of the respective counties at general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

No person shall be eligible a second time to the office of Sheriff.

Section 3. Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery, Clerks of the Orphans' Court and Sheriffs shall keep their offices in the town or place in each county in which the Superior Court is usually held.

EDWARD D. HEARNE,
W. A. CANNON,
E. W. COOPER,
W. T. SMITHERS,
A. L. JOHNSON,
W. C. SPRUANCE.

Mr. Hearne moved that the Committee on Printing have 200 copies of this report printed,

Which motion Prevailed.

Mr. Hearne moved that the third report of the Committee on the Governor and Other Executive Officers be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Hearne, the Convention resolved itself into Committee of the Whole for the consideration of the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the third report of the Committee on the Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Moore moved that the Commitee of the Whole have leave to sit again again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the third report of the Committee on the Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Cooch moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until Monday at 10.30 o'clock. a. m., prevailed.

Monday, March 29, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Dasey, Mr. Sapp was elected President pro tempore.

Prayer by the Rev. John F. Crouch.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Ellegood presented bill of Guyer & Hardesty for $391.20, which, upon his motion, was referred to the Committee on Accounts.

Mr. Gilchrist requested leave of absence for Mr. Pratt, which, upon his motion, was granted.

Mr. Dasey presented a request from Mr. Hearne for leave of absence, which, upon his motion, was granted.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury presented bill of Thomas M. Gooden for $27.00, which, upon his motion, was referred to the Committee on Accounts.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred the bill of Guyer & Hardesty for stenographic reporting and of Thomas M. Gooden, postmaster, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be, and he is hereby, authorized to draw his warrant upon the State Treasurer in favor of Guyer & Hardesty for $391.20, for stenographic reporting, and of Thomas M. Gooden, postmaster, for $27.00, for postage stamps.

Mr. Saulsbury moved the report be accepted and the resolution adopted,

Which motion Prevailed.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Dasey was elected President pro tempore, when Mr. Martin reported that the Committee of the Whole, having had under consideration the third report of the Committee on the

Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Tuesday, March 30, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Called to order by the Secretary.

Upon motion by Mr. Hering, Mr. Ellegood was elected President pro tempore.

Prayer by Rev. Charles I. Stengle.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Horsey, Hering, Johnson, Martin, Moore, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Donahoe presented bill of Mr. Fisher for $10.00, which, upon his motion, was referred to Committee on Accounts.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the bill of William Fisher for putting ventilator in the Convention Hall, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw a warrant upon the State Treasurer in favor of William Fisher for ten dollars ($10.00), for making ventilator and putting the same in the Convention Hall.

Mr. Saulsbury moved the report be accepted and the resolution adopted,

Which motion Prevailed.

On motion of Mr. Spruance, the Convention resolved

itself into Committee of the Whole for the consideration of the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the third report of the Committee on the Governor and Other Executive Officers, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Ellegood presented a request from Mr. Cooper for $250, advance on salary, which, upon his motion, was referred to the Committee on Accounts.

Mr. Gilchrist presented a request from Mr. Ellegood for $250, advance on salary, which, upon his motion, was referred to the Committee on Accounts.

Mr. Spruance moved that so much of the first report of the Committee on Governor and Other Executive Officers as relates to the Board of Pardons be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Dasey asked for leave of absence for the Assistant Secretary, from 3.15 o'clock, this afternoon, which, upon his motion, was granted.

On motion of Mr. Spruance, the Convention resolved itself into Committee of the Whole for the consideration of the third report of the Committee on the Governor and Other Executive Officers, and so much of the first report of the said committee as refers to the Board of Pardons,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the third report of the Committee on the Governor and Other Executive Officers, and so much of the first report of the said committee as refers to the Board of Pardons, report the adoption of the third report of the Committee on the Governor and Other Executive Officers with sundry amendments by the Committee of the Whole, and recommend its adoption by the Convention.

Mr. Saulsbury moved that the report of the Committee of the Whole be accepted,

Which motion Prevailed.

Mr. Spruance moved that the Committee on Printing have 500 copies printed of the third report of the Committee on the Governor and Other Executive Officers, as amended and adopted in Committee of the Whole,

Which motion Prevailed.

Motion to adjourn until to-morrow 10.30 o'clock, a. m., prevailed.

Wednesday, March 31, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. T. A. H. O'Brien.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Horsey, Hering, Johnson, Martin, Moore, Pratt, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

Mr. Gilchrist requested leave of absence for Mr. Murray, which, upon his motion, was granted.

Mr. Dasey presented a request of Mr. Cannon for advance salary for $250, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Martin, the Convention resolved itself into Committee of the Whole for the consideration of the third report of the Committee on the Legislature,

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the third report of the Committee on the Legislature, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Evans moved that when the Convention adjourn it will be to meet at 2 o'clock, p. m.,

Which motion Prevailed.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred the requests of Messrs. Ellegood, Cooper and Cannon, for advances of $250.00 to each, on account of their respective salaries as members of the Convention, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be, and he is hereby, authorized to draw warrants upon the State Treasurer in favor of Joshua A. Ellegood for two hundred and fifty dollars ($250.00), in favor of Ezekiel W. Cooper for two hundred and fifty dollars ($250.00), and in favor of William A. Cannon for two hundred and fifty dollars ($250.00), on account of their respective salaries as members of this Convention.

Mr. Pratt moved the report be received and the resolution adopted,

Which motion Prevailed.

Mr. Biggs presented a request of Mr. Carlisle for leave of absence until Friday, which, upon motion by Mr. Gilchrist, was granted.

Motion to adjourn prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Martin, the Convention resolved itself into Committee of the Whole for the consideration of the third report of the Committee on the Legislature,

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose,

Upon motion of Mr. Saulsbury, Mr. Burris was made President pro tempore, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the third report of the Committee on the Legislature, report progress and ask leave to sit again.

Mr. Martin moved that the report be received and the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Cannon asked for leave of absence until next Tuesday, which was granted.

Mr. Bradford moved to adjourn until 7.30 o'clock, p. m.,

Which motion Prevailed.

———

Same Day, 7.30 o'clock, p. m.

Convention met pursuant to adjournment.

Called to order by Mr. Burris, President pro tempore.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Thursday, April 1, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Richard Downs.

Roll called. Members present: Messrs. Bradford, Burris, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Martin, the Convention resolved itself into Committee of the Whole for the consideration of the third report of the Committee on the Legislature,

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the third report of the Committee on the Legislature, report that it has concluded, and approved without amendment, the third report of the Committee on the Legislature, and recommend that it be recommitted to the Committee on the Legislature for the purpose of filling the blanks.

Mr. Burris moved that the report be accepted from the Committee of the Whole and referred to the Committee on the Legislature,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Pratt, on behalf of the Committee on Corporations, presented its second report, which was read, as follows:

Second report of the Committee on Corporations.

Section 1. No corporation shall be created or revived by special act, but only by or under general law, nor shall any existing corporate charter be extended, renewed, altered or amended by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations or corporations for charitable, penal, reformatory, or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the revocation or forfeiture of the charters of all corporations for the abuse, misuse or non-user, of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney-General, as may be provided by law.

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter altered or amended without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Section 3. All existing corporations, and all corporations hereafter created under general law, under which a bona-fide organization shall not have taken place and business commenced in good faith within two years after the granting the same, shall thereafter be void and of no effect.

Section 4. No corporation shall issue stocks or bonds, except for money paid, labor done or personal property in actual possession, or the fee simple title to real estate actually acquired by such corporation, and neither labor nor property

shall be received in payment of stock or bond at a greater price than the market value at the time the said labor was done or property delivered, or title acquired.

Section 5. No corporation created under general law shall commence business until ten per centum of its whole capital shall have been paid into its treasury in cash; nor shall the stock or bonded indebtedness of corporations be increased, except pursuant to general law, nor without the consent of the holders of a majority of the stock outstanding first obtained at a meeting called for the purpose, public notice thereof having been first given, as may be provided by law.

Section 6. In all elections for directors or managers of stock corporations each shareholder may cast the whole number of votes to which he is entitled for one candidate or distribute them among two or more candidates.

Section 7. When the whole capital stock of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share as fixed by the charter of the company or its certificate of incorporation or such proportion of that sum as shall be required to satisfy the debts of the company.

Section 8. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom service of legal process may be served.

Mr. Pratt moved that the report be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Ellegood offered a resolution in reference to salaries of members, which, by unanimous consent, was withdrawn.

Mr. Moore gave notice that on Monday, or some day thereafter, he would move that the report of the Committee of the Whole, on Crimes, Punishments and Impeachments be taken up for final action.

Mr. Gilchrist gave like notice in regard to the report of the Committee of the Whole on Education.

By unanimous consent Messrs. Gilchrist and Moore withdrew the foregoing notices.

Mr. Johnson offered a resolution, which was declared not in order.

Mr. Cooch offered a substitute, which, by unanimous consent, was withdrawn.

Upon recurring to Mr. Johnson's resolution, it was amended and adopted as follows:

Resolved, That the President of this Convention be and is hereby authorized to draw warrants upon the State Treasurer for the sum of three hundred dollars ($300.00) in favor of each member of this Convention on account of salary due; provided, however, that amounts already received by members must be deducted from the amount to be drawn.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer, as follows: In favor of Daniel V. Hutchins for two hundred dollars ($200.00), on account of the compensation to be allowed him as Sergeant-at-Arms; in favor of Rev. Walter E. Avery for fifty dollars ($50.00), on account of the compensation as Chaplain, and in favor of Arthur Hutchins for fifty dollars ($50.00), on account of compensation as Page.

Mr. Gilchrist moved that the report be accepted and the resolution adopted,

Which motion Prevailed.

On motion of Mr. Dasey, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on Corporations, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Friday, April 2, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Horsey, Hering, Martin, Moore, Orr, Pratt, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on Corporations, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on Corporations, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until Monday next at 10.30 o'clock, a. m., prevailed.

Monday, April 5, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. H. G. G. Vincent.

Roll called. Members present: Messrs. Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Martin, Murray, Pratt, Sapp, Saulsbury, Smithers, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented bill of Guyer & Hardesty for $277.20, which, upon his motion, was referred to the Committee on Accounts.

Mr. Saulsbury presented bill of Clarke & McDaniel for $20.64, which, upon his motion, was referred to the Committee on Accounts.

Mr. Cooper presented a resolution, which, upon his motion, was referred, without reading, to the Committee on the Governor and Other Executive Officers.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock p. m.

Convention met pursuant to adjournment.

Mr. Bradford moved that a committee of six be appointed by the chair on Phraseology and Arrangement, whose duty shall be, without changing the meaning, to correct verbal mistakes or inaccuracies in the various provisions acted upon by the Committee of the Whole and arrange the same in proper sequence with respect to titles and sections,

Which motion Prevailed.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the second report of the Committee on Corporations, report the adoption of Sections 1, 2, 3 and 4 of the report of the Committee on Corporations and recommend their adoption by the Convention as a substitute for Section 17 of Article II.

Mr. Cavender moved that the report of the Committee of the Whole on the report of the Committee on Corporations be accepted,

Which motion Prevailed.

The President announced the Committee on Phraseology and Arrangement,

Messrs. Bradford, Cooch, Spruance, Saulsbury, Gilchrist, Hearne.

Mr. Ellegood moved that when the Convention adjourn it will be to meet Wednesday at 10.30 o'clock, a. m.,

Which motion Prevailed.

Motion to adjourn prevailed.

Wednesday, April 7, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Orr, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Pratt moved that 300 copies of the report of the Committee on Corporations, as amended and adopted in the Committee of the Whole, be printed,

Which motion Prevailed.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the bill of Guyer & Hardesty for $277.20, for stenographic reporting, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw a warrant upon the State Treasurer in favor of Guyer & Hardesty for $277.20, for stenographic reporting.

Mr. Saulsbury moved the report be accepted and the resolution adopted,

Which motion Prevailed.

Mr. Ellegood moved to make special order to take up the report of the Committee on Manufacture and Sale of Intoxicating Liquors, on Monday next at 10.30 o'clock, a. m.

Mr. Spruance moved to substitute Friday, 10.30 o'clock, a. m.

Mr. Donahoe moved to take it up now.

Both amendments were lost.

Recurring to the original motion, it prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Bradford submitted and read the fourth report of the Committee on the Legislature, as follows:

Fourth report of the Committee on the Legislature.

The Committee on the Legislature recommends the adoption of the following as sections in the Constitution, to be inserted under an appropriate title:

Section 1. No person shall be a Senator who shall not have attained the age of twenty-seven years, and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the county including the Senatorial District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State. No person shall be a Representative who shall not have attained the age of twenty-four years, and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the county including the Representative District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State.

Section 2. The compensation of members of the General Assembly and of the Lieutenant Governor as President of the

Senate shall be paid out of the treasury of the State. No law varying such compensation shall take effect until after a general election shall have been held since its enactment.

Section 3. Whenever there shall be a vacancy in either House of the General Assembly, by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election shall be issued by the presiding officer of the House in which the vacancy exists, or in cases of necessity in such other manner as shall be provided by law; and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term. And whenever there shall be such vacancy in either House, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy, which writ shall be executed as a writ issued by the presiding officer of either House in case of vacancy, and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term.

Section 4. The Senate at each biennial session shall choose a President pro tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor, or while he continues in the exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers, and, in the absence of the Lieutenant Governor and its President pro tempore may, from time to time as occasion may require, appoint one of its own members to preside. The House of Representatives shall choose its Speaker and other officers, and in the absence of the Speaker may, from time to time as occasion may require, appoint one of its own members to preside.

Section 5. The State Treasurer shall settle his accounts annually with the General Assembly or a joint committee thereof, which shall be appointed at every biennial session. No person who has served in the office of State Treasurer shall be eligible to a seat in either House of the General Assembly until he shall have made a final settlement of his accounts as treasurer and discharged the balance, if any, due thereon.

Section 6. Any member of the General Assembly who has a personal or private interest in any measure or bill pend-

ing in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon.

Section 7. No person who shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.

Section 8. Every statute shall be a public law unless otherwise declared in the statute itself.

Section 9. Every person who shall give, offer or promise, directly or indirectly, any money, testimonial, privilege, personal advantage or thing of value to any executive or judicial officer of this State or member of either House of the General Assembly for the purpose of influencing him in the performance of any of his official or public duties shall be deemed guilty of bribery, and shall be punished in such manner as shall be provided by law.

Section 10. The General Assembly shall not pass any local or special law relating to fences, the straying of live stock, ditches, the creation or changing the boundaries of school districts, or the laying out, opening, alteration, maintenance or vacation, in whole or in part, of any road, highway, street, lane or alley.

GEORGE H. MURRAY,
WILLIAM SAULSBURY,
EDWARD G. BRADFORD,
J. WILKINS COOCH.

Mr. Bradford moved that the fourth report of the Committee on the Legislature be received and 100 copies of the same be ordered printed,

Which motion Prevailed.

Mr. Bradford moved that the fourth report of the Committee on the Legislature as just read be referred to the Commitee of the Whole,

Which motion Prevailed.

Upon motion by Mr. Evans,, Mr. Donahoe was granted leave of absence for two days.

Upon motion by Mr. Saulsbury, Mr. Pratt was granted leave of absence for to-morrow.

Upon motion by Mr. Johnson, Mr. Horsey was granted leave of absence for to-morrow.

Mr. Burris moved that the Committee on Alterations and Amendments and Calling Constitutional Conventions be enlarged to ten members,

Which motion Prevailed.

Mr. Burris submitted the following resolution:

Resolved, That the committee heretofore appointed on Phraseology and Arrangement be and they are hereby requested to report to this Convention such portions of the present Constitution, with which there have been no committees appointed to deal, with such recommendations as they may deem desirable.

Mr. Burris moved the adoption of the resolution,

Which motion Prevailed.

The President announced the following four additional members to the Committee on Alterations and Amendments of the Constitution,

Messrs. Cavender, Spruance, Ellegood, Bradford.

Mr. Cooch moved that when we adjourn it will be to meet next Friday at 10.30 o'clock, a. m.,

Which motion WasWithdrawn.

Mr. Bradford asked unanimous consent to correct in the third report of the Committee on the Legislature by striking out in the second line "and the Senators" and insert the word "who" in lieu thereof and insert between the words "chosen" and "one" in lines six and ten the words "by the qualified electors therein,"

Which permission to so correct was granted.

Mr. Cooch renewed his motion, that when we adjourn it will be to meet next Friday at 10.30 o'clock, a. m.,

Which motion Prevailed.

Mr. Pratt reported and submitted Section 8 of the second report of the Committee on Revenue and Taxation, which, upon his motion, was read, as follows:

Section 8. No county, city, town or other municipality shall loan its credit or appropriate money to, or assume the debt or become a shareholder or joint owner in or with, any private corporation, or any person or company whatever. No county, city, town or other municipality shall be allowed to become indebted, for any purpose or in any manner, to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county, city, town or other municipality subject to taxation as it appeared by the assessment rolls of said county, city, town or other municipality on the last assessment for county, city, town or other municipality taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county, city, town or other municipality whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issue of bonds to provide for a supply of water or light, or both; but the term of the bonds issued to provide the supply of water or light shall not exceed thirty (30) years, and shall not be issued except upon the affirmative vote of a majority of the freeholders of said city, town or other municipality, as shall be provided by the General Assembly, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity.

Mr. Pratt moved that Section 8 of the second report of the Committee on Revenue and Taxation, as reported, be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Pratt, the Convention resolved itself into Committee of the Whole for the consideration of Section 8 of the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Saulsbury was elected President pro tempore, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration Section 8 of the second report of the Committee on Revenue and Taxation, report the adoption of the first paragraph of Section 8 down to the word "whatever," as amended, and recommend its adoption by the Convention.

Mr. Gilchrist moved that the report be accepted,

Which motion Prevailed.

Mr. Pratt moved that 500 copies of the entire report of the Committee on Revenue and Taxation, as amended and adopted in Committee of the Whole, be printed,

Which motion Prevailed.

Motion to adjourn until Friday next at 10.30 o'clock, a. m. prevailed.

Friday, April 9, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Ellegood, Evans, Gilchrist, Hearne, Hering, Johnson, Moore, Murray, Orr, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Bradford substituted the first report of the Committee on Phraseology and Arrangement, which, upon his motion, was read, as follows:

First report of the Committee on Phraseology and Arrangement.

The Committee on Phraseology and Arrangement recommend the following amendments to the Constitution.

Strike out Sections 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 of Article VII, and insert in lieu thereof the following:

ARTICLE —.

Section 1. The Chancellor, Judges and Attorney General shall be conservators of the peace throughout the State; and the Sheriffs and Coroners shall be conservators of the peace within the counties respectively in which they reside.

Section 2. No public officer shall receive any fees without giving to the person paying the same a receipt therefor, if required, therein specifying every item and charge.

Section 3. No costs shall be paid by a person accused, on a bill being returned ignoramus, nor on acquittal.

Section 4. The rights, privileges, immunities and estates of religious societies and corporate bodies, except as herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

Section 5. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws; and all actions and prosecutions now pending shall proceed as if this Constitution had not been made.

Section 6. This Constitution shall be prefixed to every codification of the laws of this State.

Section 7. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

Strike out Article VIII and insert in lieu thereof the following:

ARTICLE —.

Members of the General Assembly and all public officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of ————————, according to the best of my ability"; and all such officers, except as aforesaid, who shall have been chosen at any election shall, before they enter upon the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the

giving or withholding a vote at the election at which I was elected to said office."

No other oath, declaration or test shall be required as a qualification for any office of public trust.

EDWARD G. BRADFORD,
J. WILKINS COOCH,
W. C. SPRUANCE,
WILLIAM SAULSBURY,
JAMES B. GILCHRIST,
EDWARD D. HEARNE.

Mr. Bradford moved that the first report of the Committee on Phraseology and Arrangement be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Bradford moved that the bill for printing 100 copies of the first report of the Committee on Phraseology and Arrangement be referred to the Committee on Accounts,

Which motion Prevailed.

Mr. Orr submitted the first report of the Committee on Alterations and Amendments, which, upon his motion, was received and read, as follows:

The Committee on Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions recommends the following amendments to the Constitution:

Strike out Article IX and insert the following in lieu thereof:

ARTICLE —.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at

least two newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said general election such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, the Secretary of State shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State at the next general election; and if such proposed amendment or amendments shall be approved by a majority of those voting thereon, the same shall become part of the Constitution, upon the ascertainment of such result by the General Assembly. When two or more proposed amendments shall be so submitted they shall be voted upon separately.

Section 2 The General Assembly may, from time to time, provide by law for the submitting to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide by law for the election of delegates to such Convention at the next general election. Such Convention shall be composed of fifty-two delegates, of whom fifteen shall be chosen from New Castle county by the qualified electors thereof; ten from Kent county by the qualified electors thereof; ten from Sussex county by the qualified electors thereof; and seventeen from the State at large by the qualified electors thereof. The delegates so elected shall convene at the Capital of the State on the first Tuesday in March next after their election. Every delegate shall receive for his services the same compensation as shall then be payable to the members of the General Assembly. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members. In case of a vacancy by death, resignation or other cause in a county

delegation, such vacancy shall be filled by a vote by the remaining delegates from such county; and in case of a vacancy by death, resignation or other cause in the delegation from the State at large, such vacancy shall be filled by a vote of the remaining delegates at large.

Section 3. The General Assembly shall provide by law for receiving, tallying and counting the votes for or against proposed amendments to the Constitution, and for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also by law enact all provisions necessary for giving effect to this Article.

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article shall require for its validity the approval of the Governor, and the same shall be exempt from the provisions of Section 21 of Article III of this Constitution.

Section 5. In voting at any general election, upon proposed amendments to the Constitution, or upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots so cast.

WILLIAM P. ORR, Jr.,
W. C. SPRUANCE,
MARTIN B. BURRIS,
LOWDER L. SAPP,
J. A. ELLEGOOD,
W. T. CAVENDER,
PARIS T. CARLISLE, Jr.,
EDWARD G. BRADFORD.

Mr. Orr moved that the first report of the Committee on Alterations and Amendments be referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Orr moved that the bill for printing 200 copies of the report of the Committee on Alterations and Amendments be referred to the Committee on Accounts,

Which motion Prevailed.

Mr. Bradford moved that the Committee on Phraseology and Arrangement be increased to nine members,

Which motion Prevailed.

Mr. Ellegood moved that the subject of Schedule be referred to the Committee on Phraseology and Arrangement,

Which motion Prevailed.

Mr. Clark presented a bill from the State Sentinel for $25.00 for printing, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the fourth report of the Committee on the Legislature,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the fourth report of theCommittee on the Legislature, report progress and ask leave to sit again.

Mr. Saulsbury moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred two bills of the State Sentinel Printing Company, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw his warrant upon the State Treasurer in favor of the State Sentinel Printing Company for $43.50 for printing, on account of the current expenses of the Convention.

Mr. Saulsbury moved that the resolution be adopted,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Saulsbury, the Convention resolved itself into Committee of the Whole for the consideration of the fourth report of the Committee on the Legislature,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the fourth report of the Committee on the Legislature, had adopted the fourth report of the Committee on the Legislature, with amendments, and recommend its adoption by the Convention.

Mr. Spruance moved that the report of the Committee of the Whole on the fourth report of the Committee on the Legislature be accepted,

Which motion Prvailed.

Mr. Saulsbury moved that the Committee on Printing have printed 200 copies of the amended report of the Committee on the Legislature,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Phraseology and Arrangement,

Mr. Cavender in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, whenMr. Cavender reported that the Committee of the Whole, having had under consideration the first report of the Committee on Phraseology and Arrangement, had adopted it as submitted and recommend its adoption by the Convention.

Mr. Cooch moved that the report of the Committee of the Whole on the first report of the Committee on Phraseology and Arrangement be accepted,

Which motion Prevailed.

Mr. Bradford moved that the vote by which the report of the Committee on the Manufacture and Sale of Intoxicating Liquors was made the special order for Monday at 10.30 o'clock, a. m., be reconsidered,

Which motion Prevailed.

Recurring to the original motion it was amended by substituting Monday at 2 o'clock, p. m.

Motion to adjourn until Monday at 10.30 o'clock, a. m., prevailed.

Monday, April 12, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Ellegood, Mr. Cavender was made President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Murray, Orr, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Ellegood presented a bill of Guyer & Hardesty for $301.20, which, upon his motion, was referred to the Committee on Accounts.

Mr. Hearne submitted the fourth report of the Committee on the Governor and Other Executive Officers, which, upon his motion, was read, as follows:

Fourth report of Committee on the Governor and Other Executive Officers.

Resolved, That the following Article be inserted in the Constitution of Delaware:

ARTICLE ——.

Section 1. The General Assembly shall provide for the establishment and maintenance of a State Board of Health, which shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law; and also for the establishment and maintenance of such local boards of health as may be necessary, to be

under the supervision of the State Board to such extent and have such powers as may be prescribed by the General Assembly.

Mr. Hearne moved that the fourth report of the Committee on the Governor and Other Executive Officers be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Hearne, the Convention resolved itself into Committee of the Whole for the consideration of the fourth report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose.

Mr. Ellegood was elected President pro tempore, when Mr. Martin reported that the Committee of the Whole, having had under consideration the fourth report of the Committee on the Governor and Other Executive Officers, report the adoption of the fourth report as submitted and recommend its adoption by the Convention.

Mr. Martin moved that the report of the Committee of the Whole, on the fourth report of the Committee on the Governor and Other Executive Officers be accepted,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment, and was called to order by President Biggs.

Mr. Gilchrist presented a substitute for both reports of the Committee on the Manufacture and Sale of Intoxicating Liquors, which, upon his motion, was read, as follows:

Section 1. At the general election to be held on Tuesday next after the first Monday in November in the year A. D., 1898, and every four years thereafter, every qualified elector shall be entitled to vote "for license" or "against license," and in every district, as hereinafter described, in which there is a majority against license, no person or persons, firm or firms, corporation or corporations shall thereafter manufacture or sell spirituous, vinous or malt liquors within said district until at a subsequent election a majority of votes shall be cast in said district for license.

Section 2. Under the provisions of this Article, Sussex county shall comprise one district, Kent county one district, the City of Wilmington, as its corporate limits now are or they may hereafter be extended, one district, and the remaining part of New Castle county one district.

Section 3. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, and shall enact laws governing the manufacture and sale of intoxicating liquors under the limitations of this Article of the Constitution, and provide such penalties as may be necessary to enforce the same.

Mr. Gilchrist moved that the substitute as read be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Ellegood, the Convention resolved itself into Committee of the Whole for the consideration of the

majority and minority reports of the Committee on Manufacture and Sale of Intoxicating Liquors and the proposed substitute,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the first report of the Committee on Manufacture and Sale of Intoxicating Liquors and the proposed substitute, report progress and ask leave to sit again.

Mr. Carlisle moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Tuesday, April 13, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. Alfred Smith.

Roll called. Members present: Messrs. Bradford, Burris, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Murray, Orr, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

The President announced the following additional members to the Committee on Phraseology: Messrs. Cooper, Carlisle and Dasey.

Mr. Clark requested leave of absence for the Sergeant at Arms this afternoon, which, upon his motion, was granted.

On motion of Mr. Ellegood, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Manufacture and Sale of Intoxicating Liquors and of the proposed substitute,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the first report of the Committee on Manufacture and Sale of Intoxicating Liquors and substitutes, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Upon motion of Mr. Saulsbury, Mr. Moore was excused for absence.

On motion of Mr. Ellegood, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Manufacture and Sale of Intoxicating Liquors and substitutes,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the first report of the Committee on Manufacture and Sale of Intoxicating Liquors and substitutes, report that the substitute, as amended, had been adopted and recommend its adoption by the Convention.

Mr. Gilchrist moved that the report of the Committee of the Whole be accepted,

Which motion Prevailed.

Motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Wednesday, April 14, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Hering, Murray, Pratt, Saulsbury, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the bill of Guyer & Hardesty for $301.20, for stenographic reporting, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw his warrant upon the State Treasurer in favor of Guyer & Hardesty for $301.20, for stenographic reporting, on account of the current expenses of the Convention.

Mr. Saulsbury moved the report be accepted and the resolution adopted,

Which motion Prevailed.

Mr. Cooper, on behalf of the Committee on the Bill of Rights, reported the Preamble and Article I, of the present Constitution in its entirety, with the following amendments:

In Section 1, strike out the words "the Author of the Universe," and insert in lieu thereof the words "Almighty God."

Add at the end of Section 4: "But in any civil cause, upon the request of both parties, all issues of fact shall be determined by the court without a jury."

And, wherever the word "Legislature" occurs, erase it and insert in lieu thereof the words "General Assembly."

Mr. Carlisle moved that the report of the Committee on the Bill of Rights be accepted and referred to the Committee of the Whole,

Which motion Prevailed.

Mr. Cooch moved that Mr. Martin be granted leave of absence to-day and to-morrow,

Which motion Prevailed.

Mr. Saulsbury moved that Mr. Smithers be granted leave of absence to-morrow,

Which motion Prevailed.

Mr. Ellegood moved that Mr. Horsey be granted leave of absence to-day and to-morrow,

Which motion Prevailed.

Mr. Saulsbury presented bill of Joshua D. Deane for $210.80, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Cooper, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Bill of Rights,

Mr. Pratt in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Pratt reported that the Committee of the Whole, having had under consideration the first report of the Committee on Bill of Rights, report its adoption by the Committee of the Whole, as amended, and recommend its adoption by the Convention.

Mr. Cooper moved that the report of the Committee of the Whole be received and placed on the calendar of the Convention,

Which motion Prevailed.

On motion of Mr. Carlisle, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Alterations and Amendments,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the first report of the Committee on Alterations and Amendments, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Leave of absence granted: Mr. Donahoe, to-morrow, on motion of Mr. Ellegood; Mr. Biggs, to-morrow, on motion of Mr. Cooch.

On motion of Mr. Harman, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Alterations and Amendments,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Ellegood was elected President pro tempore, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the first report of the Committee on Alterations and Amendments, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 10.30 o'clock, a. m., to-morrow, prevailed.

Thursday, April 15, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Called to order by the Secretary.

Upon motion by Mr. Harman, Mr. Johnson was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Murray, Pratt, Sapp, Saulsbury, Smithers, Wright.

Journal read and approved.

Mr. Horsey moved that the report of the Committee on Agriculture, as adopted in the Committee of the Whole, be referred to the Committee of the Whole for further consideration,

Which motion Prevailed.

On motion of Mr. Horsey, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Agriculture, as adopted in the Committee of the Whole,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the report of the Committee on Agriculture, as adopted in the Committee of the Whole, report, recommending that it be recommitted to the standing Committee on Agriculture.

Mr. Gilchrist moved that the report be recommitted to the Committee on Agriculture,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Upon motion of Mr. Burris, the Assistant Secretary was excused at 3 o'clock, p. m.

On motion of Mr. Cooch, Mr. Bradford was granted leave of absence from 3 o'clock until to-morrow morning.

On motion of Mr. Harman, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Alterations and Amendments ot the Constitution,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President pro tempore resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first report of the Committee on Alterations and Amendments of the Constitution, report progress and ask leave to sit again.

Mr. Gilchrist moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until Monday, 10.30 o'clock, a. m., prevailed.

Monday, April 19, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment, and was called to order by the Secretary.

Upon motion of Mr. Hearne, Mr. Saulsbury was elected President pro tempore.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Journal read and approved.

Mr. Ellegood presented bill of Guyer & Hardesty for $328.20, which, upon his motion, was referred to the Committee on Accounts.

Mr. Johnson moved that Rule 4 be amended by inserting in the second line between the words "more" and "than" the words "than five minutes at one time and not more," also in the third line between the words "leave" and "obtain" the word "of the Convention," so that the amended rule would read:

Rule 4—No member shall be allowed to speak upon any subject more than five minutes at one time and not more than twice, except in explanation, without leave of the Convention obtained through the President, and no member shall interrupt another while speaking, unless on points of order, and then only by permission of the President, provided that this rule shall not be applicable to the Committee of the Whole.

Mr. Martin moved that the proposed amendment be referred to the Committee on Rules,

Which motion Prevailed.

Mr. Horsey moved that the President pro tempore appoint two additional members to the Committee on Agriculture,

Which motion Prevailed.

Whereupon the President pro tempore announced Messrs. Bradford and Cooper as the additional members.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment and was called to order by President Biggs.

Mr. Horsey, on behalf of the Committee on Agriculture, submitted its second report, as follows:

Second report of the Committee on Agriculture.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State. Any two of them shall constitute a quorum for the transaction of business.

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as afore-

said for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the Senate shall next be in session.

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals, and upon complaint made by the board to the Attorney General, of any grievances committed by any common carrier or transportation company touching freight charges or efficiency of transportation, it shall be the duty of the Attorney General to institute and prosecute proceedings for the investigation and redress of such grievances in manner as shall be provided by law.

Section 5. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 6. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

ANDREW J. HORSEY,
D. S. CLARK,
E. W. COOPER,
EDWARD G. BRADFORD,
E. N. MOORE,
JAMES B. GILCHRIST,
W. T. CAVENDER,
NATHAN PRATT,
I. K. WRIGHT.

Mr. Horsey moved that the second report of the Com-

mittee on Agriculture be referred to the Committee of the Whole,

Which motion Prevailed.

Upon motion of Mr. Martin, Mr. Dasey was granted leave of absence.

Mr. Martin presented bill of the "Sussex Journal" for $16, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Horsey, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Agriculture,

Mr. Cooch in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Cooch reported that the Committee of the Whole, having had under consideration the second report of the Committee on Agriculture, report the adoption of the second report of the Committee on Agriculture, as amended by the Committee of the Whole, and recommend its adoption by the Convention.

Mr. Gilchrist moved that the report of Committee of the Whole be accepted,

Which motion Prevailed.

Mr. Horsey moved that the Committee on Printing have printed 100 copies of the second report of the Committee on Agriculture, as amended,

Which motion Prevailed.

Mr. Richards moved that Section 18 of the first report of the Committee on the Legislature be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Richards, the Convention resolved itself into Committee of the Whole for the consideration of

Section 18 of the first report of the Committee on the Legislature,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose.

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration Section 18 of the first report of the Committee on the Legislature, report its amendment and adoption by the Committee of the Whole and recommend its adoption as amended by the Convention.

Mr. Richards moved that the report of the Committee of the Whole be received,

Which motion Prevailed.

On motion of Mr. Martin, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Alterations and Amendments of the Constitution,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first report of the Committee on Alterations and amendments of the Constitution, report progress and ask leave to sit again.

Mr. Saulsbury moved that the report of the Committee of the Whole be accepted,

Which motion Prevailed.

Motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Tuesday, April 20, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Hering, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Leave of absence granted for to-morrow: Mr. Donahoe, on motion of Mr. Cooch; Mr. Wright, on motion of Mr. Gilchrist .

On motion of Mr. Carlisle, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Alterations and Amendments,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first report of the Committee on Alterations and Amendments, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Leave of absence was granted to the Secretary, Charles R. Jones, until to-morrow from 3 o'clock, by motion of Mr. Donahoe.

On motion of Mr. Martin, the Convention resolved itself into Committee of the Whole for the consideration of the first report of the Committee on Alterations and Amendments,

Mr. Gilchrist in the chair.

After some time spent therein Committee of the Whole rose.

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the first report of the Committee on Alterations and Amendments, report the adoption of the first report of the Committee on Alterations and Amendments, with sundry amendments, and recommend its adoption by the Convention.

Mr. Gilchrist moved that the report of the Committee of the Whole be received,

Which motion Prevailed.

Mr. Bradford moved that the Committee on Printing have 100 copies of the amended report of the Committee on Alterations and Amendments printed,

Which motion Prevailed.

Mr. Bradford moved that Section 4 of the second report of the Committee on Corporations, as amended, be referred to the Committee of the Whole ,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of Section 4 of the second report of the Committee on Corporations, as amended and adopted in the Committee of the Whole,

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration Section 4 of the second report of the Committee on Corporations, as amended and adopted in Committee of the Whole, report that Section 4 of the report of the Committee on Corporations has been stricken out.

Mr. Saulsbury moved that the report of the Committee of the Whole be received,

Which motion Prevailed.

Mr. Cooper moved that Section 2 of the first and second report of the Committee on Education be referred to the Committee of the Whole, for the purpose of adding important matter thereto,

Which motion Prevailed.

On motion of Mr. Gilchrist, the Convention resolved itself into Committee of the Whole for the consideration of Section 2 of the first and second reports of the Committee on Education for the purpose of adding important matter thereto,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration Section 2 of the first and second reports of the Committee on Education, for the purpose of adding import-

ant matter thereto, report that an addition has been made to Section 2 and recommend its adoption by the Convention.

Mr. Martin moved that the report be accepted,

Which motion Prevailed.

Motion to adjourn until 10.30 o'clock, a. m., tomorrow, prevailed.

Wednesday, April 21, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Called to order by the Secretary.

Upon motion of Mr. Clark, Mr. Cooch was made President pro tempore.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooper, Dasey, Ellegood, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Murray, Pratt, Richards, Saulsbury, Smithers, Spruance.

Journal read and approved.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the bill of Guyer & Hardesty for $328.20, for stenographic reporting, recommends the adoption of the following resolution.

Resolved, That the President be and he is hereby authorized to draw his warrant upon the State Treasurer in favor of Guyer & Hardesty for $328.20, for stenographic reporting, on account of the current expenses of the Convention.

Mr. Dasey moved that the report be accepted and the resolution adopted,

Which motion Was Lost.

Motion to take a recess until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

At the expiration of the recess, the Convention re-assembled.

Mr. Saulsbury moved that when the Convention adjourn it will be to meet Friday next at 10.30 o'clock, a. m.,

Which motion Prevailed.

By unanimous consent, Mr. Clark was excused for Friday.

Mr. Bradford moved that the Committee on Phraseology and Arrangement be granted the privilege of having its reports printed in sections as rapidly as they can be prepared for the printer,

Which motion Prevailed.

Motion to adjourn until Friday morning at 10.30 o'clock, prevailed.

Friday, April 23, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Cooch, Dasey, Donahoe, Gilchrist, Harman, Horsey, Hering, Johnson, Murray, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Leave of absence granted: Mr. Moore for to-day, on motion of Mr. Gilchrist; Mr. Martin for to-day, on motion of Mr. Dasey; Mr. Ellegood for to-day, on motion of Mr. Saulsbury.

Mr. Bradford moved that the Committee on Phraseology and Arrangement be authorized to report such changes to this Convention as will not militate against the policy of the proposed Constitution but will supply and correct defects,

Which motion Prevailed.

Mr. Saulsbury moved that when this Convention adjourn it will be to meet next Thursday at 10.30 o'clock, a. m.,

Which motion Prevailed.

Mr. Spruance moved that the Committee on the Legislature be authorized to have printed a suitable number of their report in reference to districting, and mail to each member of the Convention,

Which motion Prevailed.

Motion to adjourn until Thursday next at 10.30 o'clock, a. m., prevailed.

Thursday, April 29, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. F. C. Cline.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented bill of Guyer & Hardesty of $268, which, upon his motion, was referred to the Committee on Accounts.

Mr. Martin moved to adjourn until 2 o'clock, p. m.,

Which motion Was Withdrawn.

Mr. Cooch moved that the sub committees of the Committee on the Legislature, be increased to include all the Delegates from each county.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury presented a request from C. R. Jones, Secretary, and submitted the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw his warrant upon the State Treasurer in favor of Charles R. Jones for two hundred dollars on account of salary as Secretary of the Convention,

Which resolution Was Adopted.

Mr. Saulsbury presented bill of M. E. Haman for $40.00, which, upon his motion, was referred to the Committee on Accounts.

Mr. Saulsbury presented bill of T. M. Gooden for $40.00, which, upon his motion, was referred to the Committee on Accounts.

Mr. Cooch renewed his motion made this morning, which, by unanimous consent, was withdrawn.

Motion to take a recess until 5 o'clock, p. m., prevailed.

Same Day, 5 o'clock, p. m.

At the expiration of the recess the Convention reconvened; and, upon motion by Mr. Ellegood, Mr. Hering was elected President pro tempore.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred bills from Guyer & Hardesty, M. E. Haman and Thos. M. Gooden, postmaster, recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer as follows: in favor of Guyer & Hardesty for $268.00, for stenographic reporting; in favor of M. E. Haman for $40.00 for ice; in favor of Thomas M. Gooden, postmaster, for $40.00 for stamps.

Mr. Saulsbury moved that the report be accepted and the resolution adopted.

Which motion Prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Friday, April 30, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. C. Pierce.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Motion to take a recess until 12 o'clock m., prevailed.

Same Day, 12 o'clock, m.

At the expiration of the recess, the Convention reassembled.

Mr. Richards, on behalf of the Committee on the Legislature, requested that the sub committees be permitted to present the report of the Committee on the Legislature relating to the districting of the several counties.

Whereupon, Mr. Bradford read the following report for New Castle county:

REPRESENTATIVE DISTRICTS

No. 1. All that portion of the City of Wilmington included within the Second Ward and the Fourth Ward, as their respective limits now exist or shall hereafter be extended, and

that part of the Sixth and Eighth Wards, as their respective limits now exist or shall hereafter be extended, lying south of and bounded by the central line of Eighth street, as the same now exists or shall hereafter be extended.

No. 2. All that portion of the said city included in the Ninth Ward, as its limits now exist or shall hereafter be extended, and that part of the Sixth and Eighth Wards, as their respective limits now exist or shall hereafter be extended, lying north of and bounded by the central line of Eighth street, as the same now exists or shall hereafter be extended.

No. 3. All that portion of the said city included in the Seventh Ward, as its limits now exist or shall hereafter be extended, and that part of the Fifth Ward, as its limits now exist or may hereafter be extended, lying north of and bounded by the central line of Eighth street, as the same now exists or shall hereafter be extended.

No. 4. All that portion of the said city included in the First and Third Wards, as their respective limits now exist or shall hereafter be extended, and that part of the Fifth Ward lying south of and bounded by the central line of Eighth street, as the same now exists, east of and bounded by the central line of Adams street, as the same now exists, and west of and bounded by the central line of Market street, as the same now exists.

No. 5. All that portion of the said city included within the Tenth Ward, as its limits now exist, the Eleventh and Twelfth Wards, as their respective limits now exist or shall hereafter be extended, and that part of the Fifth Ward, as its limits now exist or shall hereafter be extended, lying south of and bounded by a straight line including the central line of Eighth street, as the same now exists or shall hereafter be extended, west of and bounded by the central line of Adams street, as the same now exists, and the westerly boundary of the said city, as the same now exists or shall hereafter be extended.

No. 6. All of Brandywine Hundred, as its limits now exist or shall be changed by the extension of the limits of the City of Wilmington.

No. 7. All of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of said city.

No. 8. All of Mill Creek Hundred, as its limits now exist.

No. 9. All of White Clay Creek Hundred, as its limits now exist.

No. 10. All of New Castle Hundred, as its limits now exist or shall be changed by the extension of the limits of said city.

No. 11. All of Pencader Hundred, as its limits now exist.

No. 12. All of Red Lion Hundred, as its limits now exist.

No. 13. All of St. Georges Hundred, as its limits now exist.

No. 14. All of Appoquinimink Hundred, as its limits now exist.

No. 15. All of Blackbird Hundred, as its limits now exist.

SENATORIAL DISTRICTS.

No. 1. All that portion of the City of Wilmington, as its limits now are or shall hereafter be extended, lying to the north and bounded by a straight line including the central line of Eighth street extending from the Delaware River to the westerly boundary of said city, as the said boundary now is or shall hereafter be extended.

No. 2. All that portion of the said city, as its limits now are or shall hereafter be extended, lying to the south of and bounded by the straight line aforesaid including the central line of Eighth street.

No. 3. All of Brandywine Hundred, as its limits now exist or shall be changed by the extension of the city of Wilmington, together with all that portion of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of said city, lying northeasterly of and bounded by the central line of the Wilmington and Kennett Turnpike Road.

No. 4. All of Mill Creek Hundred, as its limits now exist, together with all that portion of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of the said city, lying southwesterly of and bounded by the central line of the said Kennett Turnpike Road.

No. 5. All of White Clay Creek Hundred and Red Lion Hundred, as their respective limits now exist, and New Castle Hundred, as its limist now exist or may hereafter be changed by the extension of the City of Wilmington.

No. 6. All of Pencader Hundred and St. Georges Hundred, as their respective limits now exist.

No. 7. All of Appoquinimink Hundred and Blackbird Hundred, as their respective limits now exist.

Mr. Saulsbury read the following as the Representative Districts and Senatorial Districts in Kent county:

In Kent county ten Representative Districts, numbers sixteen to twenty-five inclusive, as follows:

District number sixteen shall consist of Duck Creek Hundred.

District number seventeen shall consist of Little Creek Hundred and the First Election District of East Dover Hundred.

District number eighteen shall consist of Kenton Hundred.

District number nineteen shall consist of West Dover Hundred and that portion of East Dover Hundred lying next to West Dover Hundred and separated from the rest of East Dover Hundred by the following boundary lines: beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along with the middle of the said road to its point of intersection with the Horsehead road, thence running in a westerly direction along with the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazlettville, known as the Hazlettville road, thence

running along with the middle of the said short road from the Horsehead road to the said Hazlettville road, thence running in a westerly direction along with the middle of the said Hazlettville road a short distance to the road leading therefrom to Wyoming, thence running along with the middle of the said road leading from the said Hazlettville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred.

District number twenty shall consist of all that portion of East Dover Hundred not included in Districts number seventeen and nineteen.

District number twenty-one shall consist of parts of North Murderkill, South Murderkill and Mispillion Hundreds and be included within the following boundary lines: Beginning at the intersection of the southern line of South Murderkill Hundred with the State of Maryland, thence running along with the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along with the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direction along with the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along with the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along with the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along with the middle of said Dorman street to Brown's Branch, thence running in an easterly direction along with the course of said branch to the Delaware railroad, thence running in a northerly direction along with said Delaware railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northeasterly direction to the public road leading from Felton to

Whiteleysburg, thence running in a northeasterly direction along with the middle of the said public road from Felton to Whiteleysburg to the Owl's Nest road, thence running in a northerly direction along with the middle of the said Owl's Nest road to the intersection of the Cowgill road from Woodside to Petersburg, thence running in a northeasterly direction along with the middle of the said Cowgill road to the Reed road running from Woodside to DuPont's school house, thence running a northwesterly direction along with the middle of the said Reed road to DuPont's school house, thence running in a northerly direction along with the middle of the public road leading from Willow Grove to Camden a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along with the middle of the public road leading from DuPont's school house to the Almshouse to Gray's corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the State of Maryland, thence running in a southerly direction along with the eastern boundary line of the State of Maryland to the place of beginning.

District number twenty-two shall consist of all that portion of North Murderkill Hundred not included in District number twenty-one.

District number twenty-three shall consist of all that portion of South Murderkill Hundred not included in District number twenty-one.

District number twenty-four shall consist of all that portion Mispillion Hundred not included in District number twenty-one.

District number twenty-five shall consist of Milford Hundred.

In Kent county five Senatorial Districts, numbers eight to twelve inclusive, as follows:

District number eight shall consist of the sixteenth and seventeenth Representative Districts.

District number nine shall consist of the eighteenth and nineteenth Representative Districts.

District number ten shall consist of the twentieth and twenty-second Representative Districts.

District number eleven shall consist of the twenty-first and twenty-fourth Representative Districts.

District number twelve shall consist of the twenty-third and twenty-fifth Representative Districts.

Mr. Richards read the following two reports for Sussex county:

REPRESENTATIVE DISTRICTS.

No. 26. Cedar Creek Hundred.

No. 27. Broadkiln Hundred.

No. 28. Nanticoke Hundred and North West Fork Hundred.

No. 29. Seaford Hundred.

No. 30. Little Creek Hundred.

No. 31. Broad Creek Hundred.

No. 32. Gumboro Hundred and Dagsboro Hundred.

No. 33. Baltimore Hundred.

No. 34. Georgetown Hundred.

No. 35. Indian River Hundred and Lewes and Rehoboth Hundred.

SENATORIAL DISTRICTS.

No. 13. Cedar Creek Hundred and Broadkiln Hundred.

No. 14. Nanticoke Hundred, North West Fork Hundred and Seaford Hundred.

No. 15. Little Creek Hundred and Broad Creek Hundred.

No. 16. Gumboro Hundred, Dagsboro Hundred and Baltimore Hundred.

No. 17. Georgetown Hundred, Indian River Hundred and Lewes and Rehoboth Hundred.

Second report.

REPRESENTATIVE DISTRICTS.

No. 26. Cedar Creek Hundred.

No. 27. North West Fork Hundred and North Nanticoke Hundred.

No. 28. Georgetown Hundred.

No. 29. Broadkiln Hundred and Lewes and Rehoboth Hundred.

No. 30. Indian River Hundred and Baltimore Hundred.

No. 31. Dagsboro Hundred.

No. 32. East Broad Creek Hundred and Gumboro Hundred.

No. 33. Little Creek Hundred.

No. 34. Seaford Hundred.

No. 35. West Broad Creek Hundred and South Nanticoke Hundred.

SENATORIAL DISTRICTS.

No. 13. Cedar Creek Hundred, North West Fork Hundred and North Nanticoke Hundred.

No. 14. Georgetown Hundred, Broadkiln Hundred and Lewes and Rehoboth Hundred.

No. 15. Dagsboro Hundred, Indian River Hundred and Baltimore Hundred.

No. 16. Little Creek Hundred, East Broad Creek Hundred and Gumboro Hundred.

No. 17. Seaford Hundred, West Broad Creek Hundred and South Nanticoke Hundred.

Nanticoke Hundred divided north and south by Gravelly Branch.

Broad Creek Hundred divided east and west by the county road leading from Concord to Laurel.

Mr. Bradford moved that when the Convention adjourn it will be to meet Tuesday at 10.30 o'clock, a. m.,

Which motion Prevailed.

Motion to adjourn prevailed.

Tuesday, May 4, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Richards, on behalf of the Committee on the Legislature, reported a supplemental report of the sub committee for New Castle county, which was read by Mr. Bradford, as follows:

All territory which shall hereafter be added to and included within the City of Wilmington, as the limits thereof shall be extended, shall be added to and become part of the said Representative Districts, as follows:

All lying east of a straight line including the central line of Market street, below Eighth street, as the said two streets now exist, and south of a straight line including the central line of Eighth street, as the same now exists, shall become part of Representative District No. 1.

All lying north of a straight line including the central line of Eighth street, as the same now exists, extending from the northeasterly side of Brandywine Creek to the Delaware River, or north of the Brandywine Creek, westerly from the point of intersection of the said straight line with the northeasterly side of the said creek, shall become part of Representative District No. 2.

All lying north of a straight line including the central line of Eighth street, as the same now exists, south of the Brandywine Creek, and west of the central line of Market street, as the same now exists, shall become part of Representative District No. 3.

All lying between a straight line including the central line of Market street extended southerly and a straight line including the central line of Washington street extended southerly shall become part of Representative District No. 4.

All lying south of a straight line including the central line of Eighth street, as the same now exists, and west of a straight line including the central line of Washington street, as the same now exists, shall become part of Representative District No. 5.

In case of any change in the boundary line between this State and the State of Pennsylvania, the said Senatorial and Representative Districts shall conform to any new boundary line between the said States.

On motion of Mr. Richards, the Convention resolved itself into Committee of the Whole for the consideration of the reports of the Committee on the Legislature districting the State,

Mr. Evans in the chair.

After some time spent therein the Committee of the Whole rose,

The President resumed the chair, when Mr. Evans reported that the Committee of the Whole, having had under consideration the reports of the Committee on the Legislature districting the State, report progress and ask leave to sit again.

Mr. Evans moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Bradford, on behalf of the Committee on Phraseology, submitted its second report, which, upon his motion, was read as follows:

Second report of the Committee on Phraseology and Arrangement.

The Committee on Phraseology and Arrangement recommends the following amendments:

1. Strike out Section 19 of the first report of the Committee on the Legislature and Section 2 of the fourth report of the said committee (Article II, Section 14) and substitute in lieu thereof the following:

Section 14. The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be fixed by law and be paid out of the treasury of the State. No law varying such compensation shall take effect until after a general election shall have been held since its enactment.

2. Strike out all of Section 18 of the first report of the Committee on the Legislature (Article II, Section 15) after the word "title" in the third line thereof.

3. Insert after the words "Chief Justice," in line ten of Section 4, of the third report of the Committee on Governor, &c., (Article III, Section 4) the following:

"or in case of his absence or disability, the Chancellor."

4. Strike out Section 6 of the third report of the Committee on the Governor, &c., (Article III, Section 6).

5. Strike out lines twenty-three, twenty-four, twenty-five and twenty-six of Section 11 of the third report of the Com-

mittee on the Governor, &c. (Article III, Section 11) and substitute in lieu thereof the following:

Unless herein otherwise provided, confirmation by the Senate of officers appointed by the Governor shall be required only where the salary, fees and emoluments of office shall exceed the sum of five hundred dollars annually.

6. Amend Section 12 of the third report of the Committee on the Governor, &c. (Article III, Section 12), by striking out the words "three-fifths" in line two thereof, and inserting the words "a majority," and by striking out the words "Governor's continuance in office, if he shall so long behave himself well," in lines four and five thereof, and inserting the words "pleasure of the Governor."

7. Insert after the words "United States" in line nine of Section 13 of the third report of the Committee on Governor, &c. (Article III, Section 13) the following:

Except officers usually appointed by the courts of justice respectively and attorneys-at-law.

8. Strike out of Section 22 of the third report of the Committee on the Governor, &c. (Article III, Section 21) the words:

"or as Governor during a temporary disability of the Governor."

9. Amend Section 23 of the third report of the Committee on the Governor, &c. (Article III, Section 22) by adding at the beginning of the said section the following:

"In case the person elected Governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or."

And by striking out the words "failure to qualify" wherever they occur in the said section.

10. Amend Section 2 of the first and second reports of the Committee on Education (Article X, Section 2) by striking out of said section all after the word "apportionment" in line

fourteen and before the word "provided" in lines sixteen and seventeen; and by striking out all of said section after the word "maintained" in line nineteen.

11. Amend Section 4 of the second report of the Committee on the Judiciary (Article IV, Section 4) by striking out of lines four and five the words "three thousand dollars,," and inserting the following:

"thirty-five hundred dollars for the Chancellor and Chief Justice respectively, nor less than three thousand dollars for the Associate Judges respectively."

Add the following sections under the appropriate heads:

(a) Section —. The Chancellor may, from time to time, appoint a Master in Chancery, who shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant restraining orders and preliminary injunctions, pursuant to the rules of the Court of Chancery.

(b) Section —. No law shall extend the term of any public officer, or diminish his salary or emoluments, after his election or appointment.

(c) Section —. All public officers shall hold their respective offices until their successors shall be duly qualified, except in cases herein otherwise provided.

(d) Section —. The General Assembly shall meet and sit in Dover, the Capital of the State; provided, however, that in case of insurrection, conflagration or epidemic disease, the General Assembly may temporarily meet and sit elsewhere.

EDWARD G. BRADFORD,
W. C. SPRUANCE,
JAMES B. GILCHRIST,
EDWARD D. HEARNE,
ROBERT W. DASEY,
J. WILKINS COOCH,
WM. SAULSBURY,
PARIS T. CARLISLE, JR.

Mr. Bradford moved that the report just read be referred to the Committee of the Whole,

Which motion Prevailed.

On motion of Mr. Richards, the Convention resolved itself into Committee of the Whole for the consideration of the Legislative reports on districting the State.

Mr. Evans in the chair.

After some time spent therein, the Committee of the Whole rose,

On motion of Mr. Saulsbury, Mr. Sapp was elected President pro tempore, when Mr. Evans reported that the Committee of the Whole, having had under consideration the Legislative reports on districting the State, report the adoption of the districts named in the reports of the sub-committees, and recommend their adoption by the Convention, and further the renumbering of the districts commencing with No. 1 in each county.

Mr. Cavender moved that the report of the Committee of the Whole be received,

Which motion Prevailed.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Phraseology and Arrangement.

Mr. Evans in the chair.

After some time spent therein, the Committee of the Whole rose.

The President pro tempore resumed the chair, when Mr. Evans reported that the Committee of the Whole, having had under consideration the second report of the Committee on Phraseology and Arrangement, report progress and ask leave to sit again.

Mr. Evans moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Wednesday, May 5, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Murray, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Cooch presented bill of Charles E. Guyer, for copying, for $8.80, which, upon his motion, was referred to the Committee on Accounts.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Phraseology and Arrangement,

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the second report of the Committee on Phraseology and Arrangement, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Bradford, the Convention resolved itself into Committee of the Whole for the consideration of the second report of the Committee on Phraseology and Arrangement.

Mr. Dasey in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Dasey reported that the Committee of the Whole, having had under consideration the second report of the Committee on Phraseology and Arrangement, report that they have adopted the report of the Committee on Phraseology and Arrangement, as amended, with the exceptions of clauses No. 1, 10 and 11, and recommend its adoption by the Convention.

Mr. Spruance moved that the report of the Committee of the Whole be received,

Which motion Prevailed.

Mr. Spruance moved that when we adjourn it will be to meet Tuesday next, May 11, at 10.30 o'clock, a. m.,

Which motion Prevailed.

Mr. Saulsbury submitted and read the following notice:

Notice is hereby given that a motion will be made on Tuesday next, or some day thereafter, to take up for final action by the Convention the proposed amendments and alterations of the Constitution as the same shall be reported by the Committee on Phraseology and Arrangement.

Motion to adjourn until Tuesday next at 10.30 o'clock, a. m., prevailed.

Tuesday, May 11, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Spruance, on behalf of the Committee on Phraseology and Arrangement, submitted the printed report of the Proposed Constitution of the State of Delaware, as reported to the Constitutional Convention by the Committee on Phraseology and Arrangement, as follows:

Proposed Constitution of the State of Delaware, as reported to the Constitutional Convention by the Committee on Phraseology and Arrangement.

CONSTITUTION

of the

STATE OF DELAWARE.

WE, THE PEOPLE, HEREBY ORDAIN AND ESTABLISH THIS CONSTITUTION OF GOVERNMENT FOR THE STATE OF DELAWARE.

PREAMBLE.

Through Divine goodness, all men have by nature the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and pro-

perty, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their Constitution of government.

ARTICLE I.

BILL OF RIGHTS.

Section 1. Although it is the duty of all men frequently to assemble together for the public worship of Almighty God; and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

Section 2. No religious test shall be required as a qualification to any office, or public trust, under this State.

Section 3. All elections shall be free and equal.

Section 4. Trial by jury shall be as heretofore.

Section 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

Section 6. The people shall be secure in their persons,

houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.

Section 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself, nor shall he be deprived of life, liberty or property, unless by the judgment of his peers or by the law of the land.

Section 8. No person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.

Section 9. All courts shall be open; and every man for an injury done him in his reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of the cause and the law of the land, without sale, denial, or unreasonable delay or expense; and every action shall be tried in the county in which it shall be commenced, unless when the judges of the court in which the cause is to be tried shall determine that an impartial trial thereof cannot be had in that county. Suits may be brought against the State, according to such regulations as shall be made by law.

Section 10. No power of suspending laws shall be exercised but by authority of the General Assembly.

Section 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in

the construction of jails a proper regard shall be had to the health of prisoners.

Section 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is positive or the presumption great; and when persons are confined on accusation for such offences their friends and counsel may at proper seasons have access to them.

Section 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Section 14. No commission of oyer and terminer, or jail delivery, shall be issued.

Section 15. No attainder shall work corruption of blood, nor except during the life of the offender forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident no forfeiture shall thereby be incurred.

Section 16. Although disobedience to laws by a part of the people, upon suggestions of impolicy or injustice in them, tends by immediate effect and the influence of example not only to endanger the public welfare and safety, but also in governments of a republican form contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right in an orderly manner to meet together, and to apply to persons intrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.

Section 17. No standing army shall be kept up without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

Section 18. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in manner to be prescribed by law.

Section 19. No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this State shall accept of any office or title of any kind whatever from any king, prince, or foreign state.

WE DECLARE THAT EVERY THING IN THIS ARTICLE IS RESERVED OUT OF THE GENERAL POWERS OF GOVERNMENT HEREINAFTER MENTIONED.

ARTICLE II.

LEGISLATURE.

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of thirty-five members, who shall be chosen for two years. The Senate shall be composed of seventeen members, who shall be chosen for four years.

The State is hereby divided into thirty-five Representative Districts, from each of which shall be chosen, by the qualified electors thereof, one Representative. In New Castle County there shall be fifteen Representative Districts, numbered from one to fifteen inclusive; in Kent County, ten Representative Districts, numbered from one to ten inclusive; and in Sussex County, ten Representative Districts, numbered from one to ten inclusive. The State is also hereby divided into seventeen Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. In New Castle County there shall be seven Senatorial Districts, numbered from one to seven inclusive; in Kent County, five Senatorial Districts, numbered form one to five inclusive; and in Sussex County, five Senatorial Districts, numbered from one to five inclusive.

The Representative Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington included within the Second and Fourth Wards, and those parts of the Sixth and Eighth Wards, respectively, lying south of and bounded by the central line of Eighth street.

Number Two. All that portion of the said city included within the Ninth Ward, and those parts of the Sixth and Eighth Wards, respectively, lying north of and bounded by the central line of Eighth street.

Number Three. All that portion of the said city included within the Seventh Ward, and that part of the Fifth Ward lying north of and bounded by a straight line including the central line of Eighth street.

Number Four. All that portion of the said city included within the First and Third Wards, and that part of the Fifth Ward lying south of and bounded by the central line of Eighth street, east of and bounded by the central line of Adams street, and west of and bounded by the central line of Market street.

Number Five. All that portion of the said city included within the Tenth, Eleventh and Twelfth Wards, and that part of the Fifth Ward lying south of and bounded by a straight line including the central line of Eighth street, west of and bounded by the central line of Adams street, and bounded on the west by the westerly boundary line of the said city.

Number Six. Brandywine Hundred.

Number Seven. Christiana Hundred.

Number Eight. Mill Creek Hundred.

Number Nine. White Clay Creek Hundred.

Number Ten. New Castle Hundred.

Number Eleven. Pencader Hundred.

Number Twelve. Red Lion Hundred.

Number Thirteen. St. Georges Hundred.

Number Fourteen. Appoquinimink Hundred.

Number Fifteen. Blackbird Hundred.

The Representative Districts in Kent County are and shall be as follows:

Number One. Duck Creek Hundred.

Number Two. Little Creek Hundred and the First Election District of East Dover Hundred.

Number Three. Kenton Hundred.

Number Four. West Dover Hundred and all that portion of East Dover Hundred lying next to West Dover Hundred and separated from the rest of East Dover Hundred by the following boundary lines: beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along the middle of the said road to the Horsehead road, thence running in a westerly direction along the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazlettville, known as the Hazlettville road, thence running along the middle of the said short road from the Horsehead road to the said Hazlettville road, thence running in a westerly direction along the middle of the said Hazlettville road a short distance to the road leading therefrom to Wyoming, thence running along the middle of the said road leading from the said Hazlettville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred.

Number Five. All that portion of East Dover Hundred not included in Districts numbers two and four.

Number Six. Parts of North Murderkill, South Murderkill and Mispillion Hundreds included within the following boundary lines: beginning at the intersection of the southern line of South Muderkill Hundred with the State of Maryland, thence running along the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direc-

tion along the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's Branch, thence running in an easterly direction with the course of said branch to the Delaware railroad, thence running in a northerly direction along said Delaware railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to Whiteleysburg, thence running in a northeasterly direction along the middle of the said public road from Felton to Whiteleysburg to the Owl's Nest road, thence running in a northerly direction along the middle of the said Owl's Nest road to the intersection of the Cowgill road from Woodside to Petersburg, thence running in a northeasterly direction along the middle of the said Cowgill road to the Reed road running from Woodside to DuPont's school house, thence running in a northwesterly direction along the middle of the said Reed road to DuPont's school house, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from DuPont's school house to the Almshouse to Gray's corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the State of Maryland, thence running in a southerly direction along the eastern boundary line of the State of Maryland to the place of beginning.

Number Seven. All that portion of North Murderkill Hundred not included in District number six.

Number Eight. All that portion of South Murderkill Hundred not included in District number six.

Number Nine. All that portion of Mispillion Hundred not included in District number six.

Number Ten. Milford Hundred.

The Representative Districts in Sussex County are and shall be as follows:

Number One. Cedar Creek Hundred.

Number Two. All that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' Mills, to its mouth being at the head of Middleford Mill Pond; together with North West Fork Hundred.

Number Three. All that portion of Nanticoke Hundred which lies south and west of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond; together with Seaford Hundred.

Number Four. Broad Creek Hundred.

Number Five. Little Creek Hundred.

Number Six. Dagsboro and Gumboro Hundreds.

Number Seven. Baltimore Hundred.

Number Eight. Indian River Hundred.

Number Nine. Georgetown Hundred.

Number Ten. Broadkiln and Lewes and Rehoboth Hundreds.

The Senatorial Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington lying north of and bounded by a straight line including the central line of Eighth street extending from the Delaware River to the westerly boundary of the said city.

Number Two. All that portion of the said city lying south of and bounded by the straight line aforesaid including the central line of Eighth street.

Number Three. Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and bounded by the central line of the Lancaster Turnpike.

Number Four. Mill Creek Hundred, together with all that portion of Christiana Hundred lying south of and bounded by the central line of the Lancaster Turnpike.

Number Five. White Clay Creek Hundred, Red Lion Hundred and New Castle Hundred.

Number Six. Pencader Hundred and St. Georges Hundred.

Number Seven. Appoquinimink Hundred and Blackbird Hundred.

The Senatorial Districts in Kent County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and seventh Representative Districts.

Number Four. The sixth and ninth Representative Districts.

Number Five. The eighth and tenth Representative Districts.

The Senatorial Districts in Sussex County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and sixth Representative Districts.

Number Four. The seventh and eighth Representative Districts.

Number Five. The ninth and tenth Reuresentative Districts.

All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the Representative Districts in New Castle County as follows:

All lying east of a straight line including the central line of Market street, below Eighth street, as the said two streets now exist, and south of a straight line including the central line of Eighth street, as the same now exists, shall become part of Representative District number one.

All lying north of a straight line including the central line of Eighth street, as the same now exists, extending from the northeasterly side of Brandywine Creek to the Delaware River, or north of the Brandywine Creek, westwardly from the point of intersection of the said straight line with the northeasterly side of the said creek, shall become part of Representative District number two.

All lying north of a straight line including the central line of Eighth street, as the same now exists, south of the Brandywine Creek, and west of the central line of Market street, as the same now exists, shall become part of Representative District number three.

All lying between a straight line including the central line of Market street extended southerly and a straight line including the central line of Washington street extended southerly shall become part of Representative District number four.

All lying south of a straight line including the central line of Eighth street, as the same now exists, and west of a straight line including the central line of Washington street, as the same now exists, shall become part of Representative District number five.

In case of any change in the boundary line between this State and the State of Pennsylvania any of the said Senatorial and Representative Districts in New Castle County affected thereby shall conform to any new boundary line between the said States.

All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the Senatorial Districts in New Castle County as follows:

All lying north of a straight line including the central line of Eighth street, extended from the Delaware River westwardly, shall become part of Senatorial District number one.

All lying south of a straight line including the central line of Eighth street, extended from the Delaware River westwardly, shall become part of Senatorial District number two.

Whenever by the extension of the limits of the City of Wilmington territory forming part of any Representative or Senatorial District, as hereby established, shall be included within the limits of the said city, such Representative or Senatorial District shall thereafter consist of the residue thereof, not so included within said limits.

The several Representative and Senatorial Districts in the State shall, except as herein otherwise provided, continue to be bounded, described and defined by the lines of the hundreds, wards, election district, public roads, railroad and other boundaries herein mentioned, as the same are now established and located.

Section 3. No person shall be a Senator who shall not have attained the age of twenty-seven years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Senatorial District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State. No person shall be a Representative who shall not have attained the age of twenty-four years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Representative District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, and at such other times as the Governor shall convene the same.

Section 5. The General Assembly shall meet and sit in Dover, the capital of the State; provided, however, that in case of insurrection, conflagration or epedemic disease the General Assembly may temporarily meet and sit elsewhere.

Section 6. Whenever there shall be a vacancy in either House of the General Assembly, by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election shall be issued by the presiding officer of the House in which the vacancy exists, or in cases of necessity in such other manner as shall be provided by law; and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term. And whenever there shall be such vacancy in either House, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy, which writ shall be executed as a writ issued by the presiding officer of either House in case of vacancy, and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term.

Section 7. The Senate at each biennial session shall choose one of its members President pro tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor or while he continues in the

exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers, and in the absence of the Lieutenant Governor and its President pro tempore may, from time to time as occasion may require, appoint one of its members to preside. The House of Representatives shall choose one of its members Speaker and also choose its other officers, and in the absence of the Speaker may, from time to time as occasion may require, appoint one of its members to preside.

Section 8. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of all the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

Section 9. Each House may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected thereto expel a member, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Section 10. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor without the concurrence of a majority of all the members elected to each House.

Section 11. The doors of each House, and of Committees of the Whole, shall be open unless when the business is such as ought to be kept secret.

Section 12. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 13. The Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Section 14. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, attorneys-at-law and officers in the militia, holding no disqualifying office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

Section 15. The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of five dollars, and the presiding officers a per diem allowance of six dollars, for each day of the session, not exceeding sixty days; and should they remain longer in sesion they shall serve without compensation. In case a special or extra session of the General Assembly be called the members and presiding officers shall receive like compensation for a period not exceeding twenty days.

The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be paid out of the treasury of the State.

The cost to the State for stationery and other supplies for each member of the General Assembly shall not exceed the sum of twenty-five dollars for any one session.

Section 16. No bill or joint resolution, except bills appropriating money for public purposes, shall embrace more than one subject, which shall be expressed in its title.

Section 17. Lotteries, the sale of lottery tickets, pool-selling and all other forms of gambling are prohibited in this State. The General Assembly shall enforce this section by appropriate legislation.

Section 18. No divorce shall be granted, nor alimony allowed, except by the judgment of a court, as shall be prescribed by general and uniform law.

Section 19. The General Assembly shall not pass any local or special law relating to fences; the straying of live stock; ditches; the creation or changing the boundaries of school districts; or the laying out, opening, alteration, maintenance or vacation, in whole or in part, of any road, highway, street, lane or alley.

Section 20. Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon.

Section 21. No person who shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.

Section 22. Every person who shall give, offer or promise, directly or indirectly, any money, testimonial, privilege, personal advantage or thing of value to any executive or judicial officer of this State or to any member of either House of the General Assembly for the purpose of influencing him in the performance of any of his official or public duties shall be deemed guilty of bribery, and shall be punished in such manner as shall be provided by law.

Section 23. Every statute shall be a public law unless otherwise declared in the statute itself.

Section 24. The State Treasurer shall settle his accounts annually with the General Assembly or a joint committee thereof, which shall be appointed at every biennial session. No person who has served in the office of State Treasurer shall be

eligible to a seat in either House of the General Assembly until he shall have made a final settlement of his accounts as treasurer and discharged the balance, if any, due thereon.

ARTICLE III.

EXECUTIVE.

Section 1. The supreme executive powers of the State shall be vested in a Governor.

Section 2. The Governor shall be chosen by the qualified electors of the State, once in every four years, at the general election.

Section 3. The returns of every election for Governor shall be sealed up, and immediately transmitted to the President of the Senate, or in case of a vacancy in the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county. The person having the highest number of votes shall be Governor; but if two or more shall be equal in the highest number of votes, the members of the two Houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the President of the Senate shall have an additional casting vote.

Section 4. Contested elections of the Governor or Lieutenant Governor shall be determined by a joint committee, consisting of one-third of all the members elected to each House of the General Assembly, to be selected by ballot of the Houses respectively. Every member of the committee shall take an oath or affirmation that in determining the said election he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice, or, in case of his absence or disability, the Chancellor shall preside at the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial.

Section 5. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election; and shall not be elected a third time to said office.

Section 6. The Governor shall be at least thirty years of age, and have been a citizen and inhabitant of the United States twelve years next before the day of his election, and the last six years of that term an inhabitant of this State, unless he shall have been absent on public business of the United States or of this State.

Section 7. No member of Congress, nor person holding any office under the United States or this State, shall hold or exercise the office of Governor.

Section 8. The Governor shall, at stated times, receive for his services an adequate salary to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

Section 9. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

Section 10. He shall have power, unless herein otherwise provided, to appoint, by and with the consent of a majority of all the members elected to the Senate, such officers as he is or may be authorized by this Constitution or by law to appoint. He shall have power to fill all vacancies that may happen during the recess of the Senate, in offices to which he may appoint, except in the offices of Chancellor, Chief Justice and Associate Judges, by granting commissions which shall expire at the end of the next session of the Senate.

He shall have power to fill all vacancies that may happen in elective offices, except in the offices of Lieutenant Governor and member of the General Assembly, by granting commis-

sions which shall expire when their successors shall be duly qualified.

In case of vacancy in an elective office, except as aforesaid, a person shall be chosen to said office for the full term at the next general election, unless the vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

Unless herein otherwise provided, confirmation by the Senate of officers appointed by the Governor shall be required only where the salary, fees and emoluments of office shall exceed the sum of five hundred dollars annually.

Section 11. The Governor shall appoint, by and with the consent of a majority of all the members elected to the Senate, a Secretary of State, who shall hold office during the pleasure of the Governor. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either House of the General Assembly, lay the same, and all papers, minutes and vouchers, relative thereto, before such House, and shall perform such other duties as shall be enjoined upon him by law. He shall have a compensation for his services to be fixed by law.

Section 12. No person shall be elected or appointed to an office within a county who shall not have a right to vote for a Representative in the General Assembly, and have been a resident therein one year next before his election or appointment, nor hold the office longer than he continues to reside in the county, unless herein otherwise provided.

No member of Congress, nor any person holding or exercising any office under the United States, except officers usually appointed by the courts of justice respectively and attorneys-at-law, shall at the same time hold or execise any office of profit under this State, unless herein otherwise provided.

No person shall hold more than one of the following offices at the same time, to wit: Secretary of State, Attorney-General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

Section 13. All commissions shall be in the name of the State, and shall be sealed with the great seal and signed by the Governor.

Section 14. The Governor may for any reasonable cause remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each House of the General Assembly. Whenever the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

Section 15. The Governor may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Section 16. He shall, from time to time, give to the General Assembly information of affairs concerning the State and recommend to its consideration such measures as he shall judge expedient.

Section 17. He may on extraordinary occasions convene the General Assembly by proclamation; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

Section 18. He shall take care that the laws be faithfully executed.

Section 19. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall

agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law; but in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly, unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor; and before the same shall take effect be approved by him, or, being disapproved by him, shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

Section 20. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as the Governor; he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

The Lieutenant Governor while acting as President of the Senate, or as a member of the Board of Pardons, shall receive for his services the same compensation as the Speaker of the House of Representatives.

Section 21. In case the person elected Governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant Governor; and in case of removal, death, resignation, or inability of both the Governor and the Lieutenant Governor, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation, or inability, then the President pro tempore of the Senate, or if there be none, or in case of his removal, death, resignation, or inability, then the Speaker of the House of Representatives shall act as Governor until the disability of the Governor or Lieutenant Governor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions of this section shall apply only to such persons as are elegible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, Secretary of State or Attorney-General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of Representatives, his seat as a member of the General Assembly shall become vacant; and any such vacancy shall be filled as directed by this Constitution: provided, however, that such vacancy shall not be created in case either of the said persons shall be acting as Governor during a temporary disability of the Governor.

Section 22. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts shall be two years. These officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor.

Section 23. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be two years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned by the Governor.

No person shall be twice elected Sheriff in any term of four years.

Section 24. Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery, Clerks of the Orphans' Court and Sheriffs shall keep their offices in the town or place in each county in which the Superior Court is usually held.

ARTICLE IV.

JUDICIARY.

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time by law establish.

Section 2. There shall be six State judges, who shall be learned in the law. One of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State. They shall be resident Associate Judges, and one of them shall reside in each county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term.

The said appointments shall be such that not more than three of the said five law judges, in office at the same time, shall have been appointed from the same political party.

Section 4. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

Section 5. The Chief Justice and the four Associate Judges shall compose the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer, as hereinafter prescribed.

The said five judges shall designate those of their number who shall hold the said courts in the several counties. Whenever practicable the said courts shall consist of three of the said five judges, but no more than three of them shall sit together in any of the said courts. In each of the said courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside.

Two shall constitute a quorum in the said courts respectively, except in the court of Oyer and Terminer, where three shall constitute a quorum.

One may open and adjourn court.

Section 6: Two sessions of the Superior Court, or Court of General Sessions, or one session of each of the said courts, or one session of the Court of Oyer and Terminer and of either of the other of the said courts may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

Section 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

Section 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

Section 10. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

Section 11. The Orphans' Court in each county shall consist of the Chancellor and the resident Associate Judge of the county. The Chancellor when present shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, and in all matters affecting guardians or guardians' accounts, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal, if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

Section 12. The Supreme Court shall have jurisdiction as follows:

(1). To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

(2). To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding $100, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases: provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecutions under Section 8 of Article V of this Constitution.

(3). To receive appeals from the Court of General Sessions in cases of prosecutions under Section 8 of Article V of this Constitution, and to determine finally all matters of appeal in such cases.

(4). To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery.

(5). To issue writs of prohibition, certiorari and mandamus to the Superior Court, the Court of Oyer and Terminer, the Court of General Sessions, the Court of Chancery and the Orphans' Court, or any of the judges of the said courts, and all orders, rules and processes proper to give effect to the same. The General Assembly shall have power to provide by law of what judges the Supreme Court shall consist for the purpose of this paragraph and in what manner, and by what judges of the Supreme Court, the jurisdiction and power hereby conferred may be exercised in vacation.

Section 13. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other

five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 14. The Supreme Court upon an appeal from the Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 15. Whenever the Superior Court, Court of Oyer and Terminer or Court of General Sessions shall consider that a question of law ought to be heard by the Court in Banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the Court in Banc shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn court.

The Superior Court, Court of Oyer and Terminer or Court of General Sessions in exercising this power, may direct a cause to be proceeded in to verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

Section 16. In matters of chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 17. The Chief Justice, or, in case of his absence from the State or disability, the senior Associate Judge, shall

have power, during the absence of the Chancellor from the State or his temporary disability, to grant restraining orders and preliminary injunctions, pursuant to the rules of the Court of Chancery; provided, that nothing herein contained shall be construed to confer general jurisdiction over the case.

Section 18. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge or for other cause a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

Section 19. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county. No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.

Section 20. The General Assembly, notwithstanding any thing contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Orphans' Court, or the Court of Chancery, in any matter, or giving any power to either of the said courts. The General Assembly shall also have power to confer upon the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers in addition to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the Court of Errors and Appeals.

Section 21. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, beside the general powers of the Court of Chancery; and the Chief Justice and Associate Judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

Section 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

Section 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

Section 24. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing, upon such terms as they shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses who are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

Section 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the cost then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause, he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Section 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but, until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or

administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias thirty days before the return thereof shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

Section 27. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compos mentis or a prisoner, and then within five years exclusive of the time of such disability.

Section 29. The Prothonotary of the Superior Court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.

Section 30. The General Asembly may by law give to any inferior courts by them established or to be established, or to one or more justices of the peace, jurisdiction of the crimi-

nal matters following, that is to say: assaults and batteries, keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house, retailing or selling without license, or on Sunday, or to minors, wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors, contrary to law, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly may from time to time, with the concurrence of two-thirds of all the members elected to each House, prescribed.

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions; provided, however, that there shall be an appeal to the Court of General Sessions in all cases in which the sentence shall be imprisonment exceeding one month, or a fine exceeding one hundred dollars.

Section 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four years.

Section 32. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law.

Section 33. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the State. Appeals may be taken from a Register's Court to the Superior Court, whose decision shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the

cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

Section 34. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor or administrator shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians, respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

Section 35. The style in all process and public acts shall be the THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

ARTICLE V.

ELECTIONS.

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot; but the General Assembly may by law prescribe the means, methods and instruments of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

Section 2. Every male citizen of this State of the age of twenty-one years who shall have been a resident thereof one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident

of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people, and upon all questions which may be submitted to the vote of the people: provided, however, that no person who shall attain the age of twenty-one years after the first day of January, in the year of our Lord nineteen hundred, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith: and provided also, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, or incapacitated under the provisions of this Constitution from voting, shall enjoy the right of an elector; and the General Assembly may impose the forfeiture of the right of suffrage as a punishment for crime.

Section 3. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a com-

pensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under Section 8 of this Article.

Section 4. The General Assembly shall provide by law for a uniform biennial registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person so registered to vote at the general election next thereafter, who is not disqualified under the provisions of Section 3 of this Article; but no person shall vote at such election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than ninety days nor less than sixty days before and be completed not more than twenty days nor less than ten days before such election. Application for registration may be made on at least five days during the said period; provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only; and each voter shall, at the time of his registration, pay a registration fee of one dollar.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident Associate Judge of the county, or, in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final; and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly ap-

pearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect, to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry. Registration shall be required only for general biennial elections, at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Section 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

Section 6. The presiding election officer of each hundred or election district shall on the day next after the general election deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, containing the ballots, the other certificate of election and such other papers as shall by law be required to be placed therein, to the Prothonotary of the Superior Court of the county, who shall at twelve o'clock noon on the second day after the election present the same to the said court, which shall convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificate of election of any hundred or election district shall not be produced, or in case of complaint under oath of fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such certificate, the court shall have power ti issue summary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or

control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the Boards of Canvass, and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

No act or determination of the court in the discharge of the duties imposed upon it by this section shall be conclusive in the trial of any contested election.

For the purposes of this section the Superior Court shall consist in New Castle county of the Chief Justice and the resident Associate Judge; in Kent county of the Chancellor and the resident Associate Judge; and in Sussex county of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

Section 7. Every person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election; or who shall make or become directly or indirectly a party to any bet or wager de-

pending upon the result of any such general, special, municipal or primary election or convention or meeting, or upon a vote thereat by any person; or who shall, by the use or promise of money or other valuable thing, or otherwise, cause or attempt to cause any officer of election or registration officer to violate his official duty; or who shall by the use or promise of money or other valuable thing influence or attempt to influence any person to be registered or abstain from being registered; or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty; or who shall by force, threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered or any person qualified to vote from voting according to his choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than six months nor more than five years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court; and, if a male, shall further for a term of ten years next following his sentence be incapable of voting at any such general, special, municipal or primary election or convention or meeting. No person, other than the accused, shall, in the prosecution for any offense mentioned in this section, be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Section 8. Every prosecution for any of the offences mentioned in Section 7 of this Article shall be on information filed by the Attorney General, after examination and commitment or holding to bail by a judge or justice of the peace, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or a petit jury. The accused, if adjudged guilty of the offence charged against him, shall have the right at any time within the space of three calendar months next after sentence is pronounced to an appeal to the Supreme Court. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not

operate as a supersedeas unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge. On such appeal the Supreme Court shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein, and the law applicable thereto, and give final judgment accordingly, either affirming or reversing the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Supreme Court shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Supreme Court, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below, after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have the right at any time after its approval and until final judgment shall be rendered by the Supreme Court, and, in case the judgment of the court below shall be affirmed, until the expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the county in which he was sentenced; and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for such taking and rendering. If the Supreme Court shall reverse any judgment of the court below imposing a fine, and if the accused shall have fully paid such fine and the costs of prosecution, the amount thereof shall be refunded to the appellant through a warrant drawn by the court below on the treasurer of the county in which the accused was sentenced. All the judges entitled to sit in the Supreme Court shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof, providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same

when so printed or reduced to writing, and of copies thereof; for the copying and certification of all documentary or other written or printed evidence in the cause in the court below and of the record therein; for the transmission to the Supreme Court of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court; for the transmission to the court below of a certified copy of the final judgment of the Supreme Court and of any additional sentence pronounced by said court, for the discharge of sureties in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Supreme Court and the court below in cases of appeal under this section. The said judges, or a majority of them, met as aforesaid, may also provide that when complaint shall be made in due form, prescribed by them, to any judge entitled to sit in the Supreme Court, that any offence mentioned in Section 7 of this Article has been committed in the county in which such judge shall reside, such judge shall have power to cause the person charged with such offence to be arrested within any county of this State and brought before him, and to bind him with sufficient surety, or, for want of bail, commit him for his appearance and answer at the next term of the Court of General Sessions in such manner and under and pursuant to such rules and regulations as the said judges, or a majority of them, shall prescribe. From time to time hereafter, whenever a majority of all the judges entitled to sit in the Supreme Court shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court; and they, or a majority of them, shall have power to revise, amend, add to or annul, any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section, or arrest and binding or commitment for appearance and answer, in such manner and to such extent as in their judgment shall best serve to effectuate the purposes hereof. No person shall be adjudged guilty of any offence mentioned in Section 7 of this Article without the concurrence of all of the judges trying the case; and upon appeal no judgment of the court shall be affirmed without the concurrence of all of the judges of the Supreme Court sitting in the case, and

their failure to concur as aforesaid shall operate as a reversal of the judgment of the court below; provided, however, that such concurrence of the judges sitting in the Supreme Court shall not be necessary for the affirmance of the judgment of the court below where the appellant shall fail to prosecute his appeal pursuant to the rules and practice herein provided for.

Section 9. The enumeration of the offences mentioned in Section 7 of this Article shall not preclude the General Assembly from defining and providing for the punishment of other offences against the freedom and purity of the ballot, or touching the conduct, returns or ascertainment of the result of general, special or municipal elections, or of primary elections, conventions or meetings held for the nomination of candidates to be voted for at general, special or municipal elections. No prosecution under any act of the General Assembly passed pursuant to this section shall be subject to the provisions of Section 8 of this Article.

ARTICLE VI.

IMPEACHMENT AND TREASON.

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators.

On the trial of an impeachment against the Governor or Lieutenant Governor, the Chief Justice, or, in case of his absence or disability, the Chancellor shall preside; and on the trial of all other impeachments the President of the Senate shall preside.

Section 2. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or

profit under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

Section 3. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the Government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE VII.

PARDONS.

Section 1. The Governor shall have power to remit fines and forfeitures and to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon, or reprieve for more than six months, shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after full hearing; and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof.

He shall fully set forth in writing the grounds of all reprieves, pardons and remissions, to be entered in the register of his official acts and laid before the General Assembly at its next session.

Section 2. The Board of Pardons shall be composed of the Chancellor, Lieutenant Governor, Secretary of State, State Treasurer and Auditor of Accounts.

Section 3. The said board may require information from the Attorney General upon any subject relating to the duties of said board.

ARTICLE VIII.

REVENUE AND TAXATION.

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws,

but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public welfare.

Section 2. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose alterations as on other bills; and no bill from the operation of which, when passed into law, revenue may incidentally arise shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

Section 3. No money shall be borrowed or debt created by or on behalf of the State but pursuant to an act of the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House, except to supply casual deficiencies of revenue, repel invasion, suppress insurrections, defend the State in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed, or any part thereof, be left after the abandonment of such purpose or the accomplishment thereof, such money, or the surplus thereof, may be disposed of according to law.

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to any county, municipality or corporation, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than pursuant to an Act of the General Assembly, passed with the concurrence of three-fourths of all the members to each House.

Section 5. The General Assembly shall provide for levying and collecting a capitation tax from every male citizen of the State of the age of twenty-one years or upwards; but such tax to be collected in any county shall be uniform throughout that county, and such capitation tax shall be used exclusively in the county in which it is collected.

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by Act of the General Assembly; provided, however, that the compensation of the members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to resolution in that behalf; a regular account of the receipts and expenditures of all public money shall be published annually.

Section 7. In all assessments of the value of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and the improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of the value of real estate or of the rental value thereof for taxation for State, county, hundred, school, municipal or other public purposes.

Section 8. No county, city, town or other municipality shall lend its credit or appropriate money to, or assume the debt of, or become a shareholder or joint owner in or with any private corporation or any person or company whatever.

ARTICLE IX.

CORPORATIONS.

Section 1. No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed, or revived by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations or corporations for charitable, penal, reformatory or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the revocation or forfeiture of the charters of all corporations for the abuse, misuse, or non-user of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney General, as may be provided by law. No general incorpora-

tion law, nor any special act of incorporation, shall be enacted without the concurrence of two-thirds of all the members elected to each House of the General Assembly.

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter amended or renewed without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Section 3. No corportion shall issue stock, except for money paid, labor done or personal property, or real estate or leases thereof actually acquired by such corporation; and neither labor nor property shall be received in payment of stock at a greater price than the actual value at the time the said labor was done or property delivered or title acquired.

Section 4. The rights, privileges, immunities and estates of religious societies and corporate bodies, except as herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

ARTICLE X.

EDUCATION.

Section 1. The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every chil ', not physically or mentally disabled, shall attend the public school, unless educated by other means.

Section 2. In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools which, with the income of the investments of the Public School Fund, shall be annually apportioned among the school districts on the basis of a per diem for every day taught by each teacher in said districts, during the school year next preceding the time of such apportionment; and the money so apportioned shall be used exclusively for the payment of teachers' salaries and for furnishing free text books; provided, however, that in

such apportionment, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be provided by law.

Section 3. No portion of any fund now existing, or which may hereafter be appropriated, or raised by tax, for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian, church or denominational school; provided, that all real and personal property used for school purposes, where the tuition is free, shall be exempt from taxation and assessment for public purposes.

Section 4. No part of the principal or income of the Public School Fund, now or hereafter existing, shall be used for any other purpose than the support of free public schools.

ARTICLE XI.

AGRICULTURE.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State. Any two of them shall constitute a quorum for the transaction of business.

Section 3. The said Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: Provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further,

that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

Section 4. The said board shall have power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and upon complaint made by the board to the Attorney General, of any grievances committed by any common carrier or transportation company touching freight charges or efficiency of transportation, it shall be the duty of the Attorney General to institute and prosecute proceedings for the investigation and redress of such grievances, in such manner as shall be provided by law.

Section 5. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 6. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

ARTICLE XII.

HEALTH.

The General Assembly shall provide for the establishment and maintenance of a State Board of Health, which shall shall have supervision of all matters relating to public health, with such powers and duties as may be prescribed by law; and also for the establishment and maintenance of such local boards of health as may be necessary, to be under the supervision of the State Board, to such extent and with such powers as may be prescribed by law.

ARTICLE XIII.

LOCAL OPTION.

Section 1. The General Assembly may provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in Section 2 of this Article, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no person, firm or corporation shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said district, until at a subsequent submission of such question a majority of votes shall be cast in said district for license. Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any district named in Section 2 of this Article shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

Section 2. Under the provisions of this Article, Sussex County shall comprise one district, Kent County one district, the City of Wilmington, as its corporate limits now are or may hereafter be extended, one district, and the remaining part of New Castle County one district.

Section 3. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, enact laws governing the manufacture and sale of intoxicating liquors under the limitations of this Article, and provide such penalties as may be necessary to enforce the same.

ARTICLE XIV.

OATH OF OFFICE.

Members of the General Assembly and all public officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of ————————, according to the best of my ability"; and all such officers, except as aforesaid, who shall have been chosen at any election, shall, before they enter upon the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office."

No other oath, declaration or test shall be required as a qualification for any office of public trust.

ARTICLE XV.

MISCELLANEOUS.

Section 1. The Chancellor, Judges and Attorney General shall be conservators of the peace throughout the State; and the Sheriffs and Coroners shall be conservators of the peace within the counties respectively in which they reside.

Section 2. No public officer shall receive any fees without giving to the person paying the same a receipt therefor, if required, therein specifying every item and charge.

Section 3. No costs shall be paid by a person accused, on a bill being returned ignoramus, nor on acquittal.

Section 4. No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment.

Section 5. All public officers shall hold their respective offices until their successors shall be duly qualified, except in cases herein otherwise provided.

Section 6. All public officers shall hold their offices on condition that they behave themselves well, and shall be removed by the Governor on conviction of misbehavior in office or of any infamous crime.

Section 7. The matters within Section 30 of Article IV and Sections 7 and 8 of Article V are excepted from the provision of the Constitution that "No person shall for any indictable offence be proceeded against criminally by information," and also from the provisions of the Constitution concerning trial by jury.

Section 8. This Constitution shall be prefixed to every codification of the laws of this State.

ARTICLE XVI.

AMENDMENTS AND CONVENTIONS.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least two newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said election such proposed amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, the Secretary of State shall cause the same again to be published in the manner aforesaid; and such propsed amendment or amendments shall be submitted to the qualified electors of the State at the next general election for approval or rejection; and if such proposed amendment or amendments shall be approved by a majority of those voting thereon, the same shall become part of the Constitution upon the ascertainment of such results by the General Assembly. When two or more proposed amendments shall be so submitted they shall be voted upon separately.

Section 2. The General Assembly may from time to time provide for the submission to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide for the election of delegates to such Convention at the next general election. Such Convention shall be composed of thirty-five delegates, one of whom shall be chosen from each Representative District by the qualified electors thereof. The delegates so chosen shall convene at the Capital of the State on the first Tuesday in September next after their election. Every delegate shall receive for his services such compensation as shall be provided by law. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedngs, and be the judge of the elections, returns and qualifications of its members. Whenever there shall be a vacancy in the office of delegate from any district by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election to fill such vacancy shall be issued by the Governor, and such vacancy shall be filled by the qualified electors of such district.

Section 3. The General Assembly shall provide for receiving, tallying and counting the votes for or against proposed amendments to the Constitution, and for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also enact all provisions necessary for giving effect to this Article.

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article, except a bill or resolution providing for the submission to the qualified electors of the State the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall require for its validity the approval of the Governor, and

the same, except as aforesaid, shall be exempt from the provisions of Section 19 of Article III of this Constitution.

Section 5. In voting at any general election, upon proposed amendments to the Constitution, or upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots.

EDWARD G. BRADFORD,
J. WILKINS COOCH,
W. C. SPRUANCE,
WILLIAM SAULSBURY,
JAMES B. GILCHRIST,
EDWARD D. HEARNE.

Mr. Ellegood presented bills,

Guyer & Hardesty,.....$204.00.
Sussex Journal,..... 3.00.

Which, upon his motion, were referred to the Committee on Accounts.

Mr. Dasey moved that Rule No. 10 be stricken out,

Which motion unanimously . Prevailed.

Mr. Cooper, on behalf of the Committee on Rules, recommended that Rule 4 be amended to read as follows:

Rule 4. No member shall be allowed to speak upon any subject more than ten minutes at one time, and not more than twice, except in explanation, without leave of the Convention obtained through the President, and no member shall interrupt another while speaking, unless on points of order, and then only by permission of the President, provided that this rule shall not be applicable to the Committee of the Whole,

And moved its adoption,

Which motion Prevailed.

Mr. Cooch moved to take up for consideration the report

of the Committee on Phraseology and Arrangement, which is the proposed Constitution,

Which motion Prevailed.

Mr. Cooch moved to adopt the title and enacting clause, as follows:

CONSTITUTION

of the

STATE OF DELAWARE.

WE, THE PEOPLE, HEREBY ORDAIN AND ESTABLISH THIS CONSTITUTION OF GOVERNMENT FOR THE STATE OF DELAWARE.

The motion Prevailed.

Mr. Cooch moved to adopt the Preamble, as follows:

PREAMBLE.

Through Divine goodness, all men have by nature the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their Constitution of government.

The motion Prevailed.

Mr. Cooch moved that Article I, Bill of Rights, be adopted as a whole, as follows:

ARTICLE I.

BILL OF RIGHTS.

Section 1. Although it is the duty of all men frequently to assemble together for the public worship of Almighty God; and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

Section 2. No religious test shall be required as a qualification to any office, or public trust, under this State.

Section 3. All elections shall be free and equal.

Section 4. Trial by jury shall be as heretofore.

Section 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

Section 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.

Section 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and

fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself, nor shall he be deprived of life, liberty or property, unless by the judgment of his peers or by the law of the land.

Section 8. No person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.

Section 9. All courts shall be open; and every man for an injury done him in his reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of the cause and the law of the land, without sale, denial, or unreasonable delay or expense; and every action shall be tried in the county in which it shall be commenced, unless when the judges of the court in which the cause is to be tried shall determine that an impartial trial thereof cannot be had in that county. Suits may be brought against the State, according to such regulations as shall be made by law.

Section 10. No power of suspending laws shall be exercised but by authority of the General Assembly.

Section 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the construction of jails a proper regard shall be had to the health of prisoners.

Section 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is positive or the presumption great; and when persons are confined on

accusation for such offences their friends and counsel may at proper seasons have access to them.

Section 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Section 14. No commission of oyer and terminer, or jail delivery, shall be issued.

Section 15. No attainder shall work corruption of blood, nor except during the life of the offender forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident no forfeiture shall thereby be incurred.

Section 16. Although disobedience to laws by a part of the people, upon suggestions of impolicy or injustice in them, tends by immediate effect and the influence of example not only to endanger the public welfare and safety, but also in governments of a republican form contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right in an orderly manner to meet together, and to apply to persons intrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.

Section 17. No standing army shall be kept up without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

Section 18. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in manner to be prescribed by law.

Section 19. No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this State shall accept of any

office or title of any kind whatever from any king, prince, or foreign state.

WE DECLARE THAT EVERY THING IN THIS ARTICLE IS RESERVED OUT OF THE GENERAL POWERS OF GOVERNMENT HEREINAFTER MENTIONED.

Mr. Cooch moved that the consideration of Article II (Legislature) be postponed and Article III (Executive) be now taken up.

Mr. Martin moved to amend, by adding after "postponed", until Thursday next at 10.30 o'clock, a. m.,

Which amendment Was Lost.

Recurring to the original motion, it prevailed, and Article III, Executive, was taken up for consideration and ordered read by sections.

Mr. Cooch moved the adoption of Section 1, as follows:

Section 1. The supreme executive powers of the State shall be vested in a Governor.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 2, as follows:

Section 2. The Governor shall be chosen by the qualified electors of the State, once in every four years, at the general election.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 3, as follows:

Section 3. The returns of every election for Governor shall be sealed up, and immediately transmitted to the President of the Senate, or in case of a vacancy in the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the

General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county. The person having the highest number of votes shall be Governor; but if two or more shall be equal in the highest number of votes, the members of the two Houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the President of the Senate shall have an additional casting vote.

Mr. Spruance moved that further consideration of Section 3 be postponed,

Which motion Prevailed.

Mr. Cooch moved the adoption of Section 4, as follows:

Section 4. Contested elections of the Governor or Lieutenant Governor shall be determined by a joint committee, consisting of one-third of all the members elected to each House of the General Assembly, to be selected by ballot of the Houses respectively. Every member of the committee shall take an oath or affirmation that in determining the said election he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice, or, in case of his absence or disability, the Chancellor shall preside at the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 5, as follows:

Section 5. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election; and shall not be elected a third time to said office.

Which motion Prevailed.

Mr. Cooch moved the adoption of Section 6, as follows:

Section 6. The Governor shall be at least thirty years of

age, and have been a citizen and inhabitant of the United States twelve years next before the day of his election, and the last six years of that term an inhabitant of this State, unless he shall have been absent on public business of the United States or of this State.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 7, as follows:

Section 7. No member of Congress, nor person holding any office under the United States or this State, shall hold or exercise the office of Governor.

Mr. Spruance moved that further consideration of Section 7 be postponed,

Which motion Prevailed.

Mr. Cooch moved the adoption of Section 8, as follows:

Section 8. The Governor shall, at stated times, receive for his services an adequate salary to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 9, as follows:

Section 9. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 10, as follows:

Section 10. He shall have power, unless herein otherwise provided, to appoint, by and with the consent of a majority of all the members elected to the Senate, such officers as he is or may be authorized by this Constitution or by law to appoint. He shall have power to fill all vacancies that may happen during the recess of the Senate, in offices to which he may appoint, except in the offices of Chancellor, Chief Justice and Associate Judges, by granting commissions which shall expire at the end of the next session of the Senate.

He shall have power to fill all vacancies that may happen in elective offices, except in the offices of Lieutenant Governor and member of the General Assembly, by granting commissions which shall expire when their successors shall be duly qualified.

In case of vacancy in an elective office, except as aforesaid, a person shall be chosen to said office for the full term at the next general election, unless the vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

Unless herein otherwise provided, confirmation by the Senate of officers appointed by the Governor shall be required only where the salary, fees and emoluments of office shall exceed the sum of five hundred dollars annually.

The motion Prevailed.

Mr. Cooch moved to strike out in Section 11, all after the word "appoint" in line one, to the word "a" in line three, viz.: "by and with the consent of a majority of all the members elected to the Senate."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Cooch, Evans, Hearne, Horsey, Pratt, Richards, Sapp, Mr. President.

Nays—Messrs. Clark, Cooper, Dasey, Ellegood, Gilchrist, Hering, Johnson, Martin, Moore, Murray, Orr, Saulsbury, Smithers, Spruance, Wright.

Yeas, 9; nays, 15.

So the question was decided in the negative, and the motion was lost.

Mr. Cooch moved the adoption of Section 11, as follows:

Section 11. The Governor shall appoint, by and with the consent of a majority of all the members elected to the Senate, a Secretary of State, who shall hold office during the pleasure

of the Governor. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either House of the General Assembly, lay the same, and all papers, minutes and vouchers, relative thereto, before such House, and shall perform such other duties as shall be enjoined upon him by law. He shall have a compensation for his services to be fixed by law.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 12, as follows:

Section 12. No person shall be elected or appointed to an office within a county who shall not have a right to vote for a Representative in the General Assembly, and have been a resident therein one year next before his election or appointment, nor hold the office longer than he continues to reside in the county, unless herein otherwise provided.

No member of Congress, nor any person holding or exercising any office under the United States, except officers usually appointed by the courts of justice respectively and attorneys-at-law, shall at the same time hold or execise any office of profit under this State, unless herein otherwise provided.

No person shall hold more than one of the following offices at the same time, to wit: Secretary of State, Attorney-General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 13, as follows:

Section 13. All commissions shall be in the name of the State, and shall be sealed with the great seal and signed by the Governor.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 14, as follows:

Section 14. The Governor may for any reasonable cause remove any officer, except the Lieutenant Governor and mem-

bers of the General Assembly, upon the address of two-thirds of all the members elected to each House of the General Assembly. Whenever the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 15, as follows:

Section 15. The Governor may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 16, as follows:

Section 16. He shall, from time to time, give to the General Assembly information of affairs concerning the State and recommend to its consideration such measures as he shall judge expedient.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 17, as follows:

Section 17. He may on extraordinary occasions convene the General Assembly by proclamation; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 18, as follows:

Section 18. He shall take care that the laws be faithfully executed.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 19, as follows:

Section 19. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law; but in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly, unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor; and before the same shall take effect be approved by him, or, being disapproved by him, shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 20, as follows:

Section 20. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as the Governor; he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

The Lieutenant Governor while acting as President of the Senate, or as a member of the Board of Pardons, shall receive for his services the same compensation as the Speaker of the House of Representatives.

Mr. Cavender moved to amend, by inserting in line eight between the words "or" and "as" the words "while acting."

Mr. Johnson moved to substitute in lieu of "while acting" the words "while attending session."

Mr. Saulsbury moved the further consideration of Section 20 be postponed,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, P. M.

Convention met pursuant to adjournment.

Mr. Donahoe presented bill of J. D. Deane for $91.49, which, upon his motion, was referred to the Committee on Accounts.

Mr. Richards moved that the consideration of Section 21 be postponed,

Which motion Prevailed.

Mr. Saulsbury submitted the following report:

The Committee on Accounts, to whom were referred the bill of Guyer & Hardesty for $204.00 for stenographic reporting, and the bill of Charles G. Guyer for typewriting, and the bills of the Sussex "Journal" for printing, recommend the adoption of the following resolution:

Resolved, That the President of this Convention be and he is hereby authorized to draw his warrants upon the State Treasurer, as follows:

In favor of Guyer & Hardesty for stenographic reporting, $204.00; In favor of Charles G. Guyer for typewriting, $8.80; In favor of the Sussex "Journal" for printing, $19.00.

Mr. Cooch moved the adoption of the report,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 22, as follows:

Section 22. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts shall be two years. These officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor.

Mr. Evans moved that the consideration of Sections 22 and 23 be postponed,

Which motion Was Withdrawn.

Mr. Pratt moved to strike out in line four of Section 22, the word "two" and insert in lieu thereof the word "four,"

Which motion Was Lost.

Mr. Saulsbury moved to amend Section 22 by striking out all after the word "years" in line four and adding: "The Attorney General shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, and the Insurance Commissioner, State Treasurer and Auditor of Accounts shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor."

Mr. Johnson moved to divide the amendment so as to vote upon the appointment of Attorney General separately from the others,

Which motion Prevailed.

Upon the vote being taken that part of the amendment was declared lost.

By consent the remaining part was withdrawn.

Recurring to the original motion for the adoption of Section 22, it prevailed.

And Section 22 was adopted as follows:

Section 22. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts shall be two years. These officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor.

Mr. Bradford moved the adoption of Section 23.

Section 23. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in

Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be two years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned by the Governor.

No person shall be twice elected Sheriff in any term of four years.

Mr. Bradford moved to amend by striking out the word "Prothonotaries" in line one of Section 23.

Mr. Cooch moved to amend further by striking out in addition the words "Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court,"

Which motion Was Lost.

Recurring to the amendment offered by Mr. Bradford,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Donahoe, Harman, Horsey, Johnson, Pratt, Sapp.

Nays—Messrs. Bradford, Cavender, Clark, Cooch, Cooper, Ellegood, Gilchrist, Hearne, Hering, Martin, Moore, Murray, Orr, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 6; nays, 19.

So the question was decided in the negative, and the amendment lost.

Recurring to the original motion for the adoption of Section 23, it prevailed,

And Section 23 was adopted, as follows:

Section 23. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be

two years. These officers shall be chosen by the qualified electors of the respective counties at general elections and be commissioned by the Governor.

No person shall be twice elected Sheriff in any term of four years.

Mr. Bradford moved the adoption of Section 24, as follows:

Section 24. Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery, Clerks of the Orphans' Court and Sheriffs shall keep their offices in the town or place in each county in which the Superior Court is usually held.

The motion Prevailed.

Mr. Bradford moved that Article IV, Judiciary, be now taken up for consideration,

Which motion Prevailed.

And Article IV was ordered to be read in Sections.

Mr. Bradford moved the adoption of Section 1, as follows:

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time by law establish.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 2, as follows:

Section 2. There shall be six State judges, who shall be learned in the law. One of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the

State. The other three Associate Judges may be appointed from any part of the State. They shall be resident Associate Judges, and one of them shall reside in each county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 3, as follows:

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term.

The said appointments shall be such that not more than three of the said five law judges, in office at the same time, shall have been appointed from the same political party.

Mr. Cooch moved to amend by striking out in the third line the words "three-fifths" and inserting in lieu thereof the words "a majority,"

Which motion Prevailed.

Mr. Pratt moved to amend by striking out all of Section 3 after the word "term" in line twelve.

Upon motion of Mr. Cavender the privilege of the floor was extended to Mr. Pratt for the third time.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Donahoe, Harman, Horsey, Johnson, Pratt, Sapp.

Nays—Messrs. Bradford, Cavender, Clark, Cooch, Cooper, Ellegood, Gilchrist, Hearne, Hering, Martin, Moore, Murray, Orr, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 6; nays, 19.

So the question was decided in the negative, and Mr. Pratt's amendment declared lost.

Mr. Martin moved to amend Section 3 by adding at the end of line fifteen, as follows:

Any of the said judges shall have the right to resign his office after reaching the age of seventy years and thereafter receive the full salary attached to the office until the end of the term for which he was appointed, provided that during said term, and before his resignation, he shall have continued in active discharge of his office for at least one half of the said term.

Pending Mr. Martin's motion, a motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Wednesday, May 12, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury moved that the Secretary be directed to furnish to each member of the House of Representatives and Senate a copy of the proposed new Constitution,

Which motion Prevailed.

Recurring to the pending amendment offered yesterday by Mr. Martin,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cavender, Evans, Martin, Richards, Mr. President.

Nays—Messrs. Bradford, Cannon, Carlisle, Clark, Cooch, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Pratt, Saulsbury, Smithers, Spruance, Wright.

Yeas, 6; nays, 19.

So the question was decided in the negative, and Mr. Martin's amendment declared lost.

Recurring to the motion made yesterday for the adoption of Section 3, as amended, as follows:

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for the term of twelve years, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term. The said appointments shall be such that no more than three of the said five law judges, in office at the same time, shall have been appointed from the same political party.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 4, as follows:

Section 4. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 5, as follows:

Section 5. The Chief Justice and the four Associate Judges shall compose the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer, as hereinafter prescribed.

The said five judges shall designate those of their number who shall hold the said courts in the several counties. Whenever practicable the said courts shall consist of three of the said five judges, but no more than three of them shall sit together in any of the said courts. In each of the said courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside.

Two shall constitute a quorum in the said courts respectively, except in the court of Oyer and Terminer, where three shall constitute a quorum.

One may open and adjourn court.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 6, as follows:

Section 6. Two sessions of the Superior Court, or Court of General Sessions, or one session of each of the said courts, or one session of the Court of Oyer and Terminer and of either of the other of the said courts may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 7, as follows:

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 8, as follows:

Section 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 9, as follows:

Section 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 10, as follows:

Section 10. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 11, as follows:

Section 11. The Orphans' Court in each county shall consist of the Chancellor and the resident Associate Judge of the county. The Chancellor when present shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, and in all matters affecting guardians or guardians' accounts, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal, if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

The motion Prevailed.

Mr. Bradford asked unanimous consent to strike out the final "s" from the word "prosecutions" in lines seventeen and twenty, in Section 12, and moved the adoption of Section 12 as corrected,

Which motion Prevailed.

And Section 12 was adopted, as follows:

Section 12. The Supreme Court shall have jurisdiction as follows:

(1). To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

(2). To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding $100, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases: provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution.

(3). To receive appeals from the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution, and to determine finally all matters of appeal in such cases.

(4). To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery.

(5). To issue writs of prohibition, certiorari and mandamus to the Superior Court, the Court of Oyer and Terminer, the Court of General Sessions, the Court of Chancery and the Orphans' Court, or any of the judges of the said courts, and all orders, rules and processes proper to give effect to the same. The General Assembly shall have power to provide by law of what judges the Supreme Court shall consist for the purpose of this paragraph and in what manner, and by what judges of the Supreme Court, the jurisdiction and power hereby conferred may be exercised in vacation.

Mr. Bradford moved the adoption of Section 13, as follows:

Section 13. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them

shall constitute a quorum, and one of them may open and adjourn court.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 14, as follows:

Section 14. The Supreme Court upon an appeal from the Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 15, as follows:

Section 15. Whenever the Superior Court, Court of Oyer and Terminer or Court of General Sessions shall consider that a question of law ought to be heard by the Court in Banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the Court in Banc shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn court.

The Superior Court, Court of Oyer and Terminer or Court of General Sessions in exercising this power, may direct a cause to be proceeded in to verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 16, as follows:

Section 16. In matters of chancery jurisdiction in which

the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 17, as follows:

Section 17. The Chief Justice, or, in case of his absence from the State or disability, the senior Associate Judge, shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant restraining orders and preliminary injunctions, pursuant to the rules of the Court of Chancery; provided, that nothing herein contained shall be construed to confer general jurisdiction over the case.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 18, as follows:

Section 18. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge or for other cause a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 19, as follows:

Section 19. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be

issued out of each court, in either county, into every county. No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 20, as follows:

Section 20. The General Assembly, notwithstanding any thing contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Orphans' Court, or the Court of Chancery, in any matter, or giving any power to either of the said courts. The General Assembly shall also have power to confer upon the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers in addition to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the Court of Errors and Appeals.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 21, as follows:

Section 21. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, beside the general powers of the Court of Chancery; and the Chief Justice and Associate Judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 22, as follows:

Section 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 23, as follows:

Section 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 24.

Mr. Bradford moved to amend by striking out in line three the word "they" and inserting in lieu thereof the word "it",

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 24, as amended, as follows:

Section 24. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing, upon such terms as it shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses who are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 25, as follows:

Section 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money

for discharging the same, together with the cost then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause, he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 26, as follows:

Section 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but, until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias thirty days before the return thereof shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 27, as follows:

Section 27. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and

all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 28, as follows:

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compos mentis or a prisoner, and then within five years exclusive of the time of such disability.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 29, as follows:

Section 29. The Prothonotary of the Superior Court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 30, as follows:

Section 30. The General Asembly may by law give to any inferior courts by them established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say: assaults and batteries, keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house, retailing or selling without license, or on Sunday, or to minors, wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors, contrary to law, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly may from

time to time, with the concurrence of two-thirds of all the members elected to each House, prescribed.

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions; provided, however, that there shall be an appeal to the Court of General Sessions in all cases in which the sentence shall be imprisonment exceeding one month, or a fine exceeding one hundred dollars.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 31.

Mr. Hearne moved to amend Section 31 by striking out in line four the word "four" and insert in lieu thereof the word "seven."

Mr. Clark moved that Section 31 be laid on the table for further consideration,

Which motion Was Lost.

Recurring to the amendment offered by Mr. Hearne,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooch, Evans, Hearne, Horsey, Johnson.

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Dasey, Ellegood, Gilchrist, Hering, Martin, Moore, Murray, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 5; nays, 19.

So the question was decided in the negative, and the amendment was lost.

Mr. Burris moved the following substitute for Section 31:

Justices of the Peace shall be elected by the several hundreds of the State for the term of four years,

Which motion Was Lost.

Recurring to the original motion for the adoption of Section of 31, it prevailed,

And Section 31 was adopted, as follows:

Section 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four years.

Mr. Bradford moved to amend Section 32 by striking out in line five the word "three-fifths" and inserting in lieu thereof the words "a majority,"

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 32, as amended, as follows:

Section 32. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 33, as follows:

Section 33. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the State. Appeals may be taken from a Register's Court to the Superior Court, whose decision shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the

cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

The motion Prevailed.

Mr. Bradford moeved the adoption of Section 34, as follows:

Section 34. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor or administrator shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians, respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 35, as follows:

Section 35. The style in all process and public acts shall be the THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

The motion Prevailed.

Mr. Martin moved an additional Section to Article IV, to be properly numbered, viz:

Section —. The Governor may for any reasonable cause, in his discretion, remove any Judge or Justice of the Peace, on

the address of two-thirds of all the members elected to each House of the General Assembly. In all cases where the General Assembly shall so address the Governor the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

Pending its consideration a motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Recurring to the motion by Mr. Martin for an additional Section to Article IV,

Which motion Was Lost.

Mr. Bradford moved that the Article commencing on page 45 and ending on page 63 with Sections 1 to 35 inclusive, be adopted as the whole, as amended, and known as Article IV, title Judiciary.

Which motion Prevailed.

Mr. Cooch moved to take up for consideration Article II, title Legislature,

Which motion Prevailed.

Mr. Cooch moved the adoption of Section 1, as follows:

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

The motion Prevailed.

Mr. Cooch moved the adoption of lines one, two and three to and including the word "years" of Section 2, as follows:

Section 2. The House of Representatives shall be composed of thirty-five members, who shall be chosen for two years.

The motion Prevailed.

Mr. Cooch moved the adoption of the remainder of line three and all of line four of Section 2, as follows:

The Senate shall be composed of seventeen members, who shall be chosen for four years.

Mr. Martin moved to amend by striking out in line four the word "seventeen" and inserting in lieu thereof the word "fifteen,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooper, Ellegood, Hearne, Horsey, Hering, Martin.

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Donahoe, Evans, Gilchrist, Harman, Johnson, Moore, Murray, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 6; nays, 22.

So the question was decided in the negative, and the amendment lost.

Recurring to the original motion, which was adopted.

Mr. Cooch moved the adoption of lines five to twenty inclusive, of Section 2, as follows:

The State is hereby divided into thirty-five Representative Districts, from each of which shall be chosen, by the qualified electors thereof, one Representative. In New Castle County there shall be fifteen Representative Districts, numbered from one to fifteen inclusive; in Kent County, ten Representative Districts, numbered from one to ten inclusive; and in Sussex

County, ten Representative Districts, numbered from one to ten inclusive. The State is also hereby divided into seventeen Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. In New Castle County there shall be seven Senatorial Districts, numbered from one to seven inclusive; in Kent County, five Senatorial Districts, numbered form one to five inclusive; and in Sussex County, five Senatorial Districts, numbered from one to five inclusive.

The motion Prevailed.

Mr. Cooch moved the adoption of lines twenty-one to fifty-eight inclusive of Section 2, as follows:

The Representative Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington included within the Second and Fourth Wards, and those parts of the Sixth and Eighth Wards, respectively, lying south of and bounded by the central line of Eighth street.

Number Two. All that portion of the said city included within the Ninth Ward, and those parts of the Sixth and Eighth Wards, respectively, lying north of and bounded by the central line of Eighth street.

Number Three. All that portion of the said city included within the Seventh Ward, and that part of the Fifth Ward lying north of and bounded by a straight line including the central line of Eighth street.

Number Four. All that portion of the said city included within the First and Third Wards, and that part of the Fifth Ward lying south of and bounded by the central line of Eighth street, east of and bounded by the central line of Adams street, and west of and bounded by the central line of Market street.

Number Five. All that portion of the said city included within the Tenth, Eleventh and Twelfth Wards, and that part of the Fifth Ward lying south of and bounded by a straight line including the central line of Eighth street, west of and

bounded by the central line of Adams street, and bounded on the west by the westerly boundary line of the said city.

Number Six. Brandywine Hundred.

Number Seven. Christiana Hundred.

Number Eight. Mill Creek Hundred.

Number Nine. White Clay Creek Hundred.

Number Ten. New Castle Hundred.

Number Eleven. Pencader Hundred.

Number Twelve. Red Lion Hundred.

Number Thirteen. St. Georges Hundred.

Number Fourteen. Appoquinimink Hundred.

Number Fifteen. Blackbird Hundred.

The motion Prevailed.

Mr. Cooch moved the adoption of lines fifty-nine to one hundred and fifty inclusive of Section 2, as follows:

The Representative Districts in Kent County are and shall be as follows:

Number One. Duck Creek Hundred.

Number Two. Little Creek Hundred and the First Election District of East Dover Hundred.

Number Three. Kenton Hundred.

Number Four. West Dover Hundred and all that portion of East Dover Hundred lying next to West Dover Hundred and separated from the rest of East Dover Hundred by the following boundary lines: beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along the middle of the said road to the Horsehead road, thence running in a westerly direction along the middle of the said Horsehead road a short distance to a short road leading from the

said Horsehead road to the road from Dover to Hazlettville, known as the Hazlettville road, thence running along the middle of the said short road from the Horsehead road to the said Hazlettville road, thence running in a westerly direction along the middle of the said Hazlettville road a short distance to the road leading therefrom to Wyoming, thence running along the middle of the said road leading from the said Hazlettville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred.

Number Five. All that portion of East Dover Hundred not included in Districts numbers two and four.

Number Six. Parts of North Murderkill, South Murderkill and Mispillion Hundreds included within the following boundary lines: beginning at the intersection of the southern line of South Muderkill Hundred with the State of Maryland, thence running along the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direction along the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's Branch, thence running in an easterly direction with the course of said branch to the Delaware railroad, thence running in a northerly direction along said Delaware railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to

Whiteleysburg, thence running in a northeasterly direction along the middle of the said public road from Felton to Whiteleysburg to the Owl's Nest road, thence running in a northerly direction along the middle of the said Owl's Nest road to the intersection of the Cowgill road from Woodside to Petersburg, thence running in a northeasterly direction along the middle of the said Cowgill road to the Reed road running from Woodside to DuPont's school house, thence running in a northwesterly direction along the middle of the said Reed road to DuPont's school house, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from DuPont's school house to the Almshouse to Gray's corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the State of Maryland, thence running in a southerly direction along the eastern boundary line of the State of Maryland to the place of beginning."

Number Seven. All that portion of North Murderkill Hundred not included in District number six.

Number Eight. All that portion of South Murderkill Hundred not included in District number six.

Number Nine. All that portion of Mispillion Hundred not included in District number six.

Number Ten. Milford Hundred.

Mr. Cooper moved to amend by striking out all of Number Four after the word "Hundred" in line sixty-five to and including line eighty-five.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooper, Horsey, Pratt.

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Cav-

ender, Clark, Dasey, Ellegood, Gilchrist, Harman, Hearne, Hering, Moore, Murray, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 3; nays, 20.

So the question was decided in the negative, and the amendment was lost.

Recurring to the original motion, it was adopted.

Mr. Hearne moved the adoption of lines one hundred and fifty-one to one hundred and eighty inclusive of Section 2, as follows:
lows:

The Representative Districts in Sussex County are and shall be as follows:

Number One. Cedar Creek Hundred.

Number Two. All that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' Mills, to its mouth being at the head of Middleford Mill Pond; together with North West Fork Hundred.

Number Three. All that portion of Nanticoke Hundred which lies south and west of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond; together with Seaford Hundred.

Number Four. Broad Creek Hundred.

Number Five. Little Creek Hundred.

Number Six. Dagsboro and Gumboro Hundreds.

Number Seven. Baltimore Hundred.

Number Eight. Indian River Hundred.

Number Nine. Georgetown Hundred.

Number Ten. Broadkiln and Lewes and Rehoboth Hundreds.

Mr. Martin moved to amend by striking out lines one hundred and sixty-four to one hundred and seventy-two inclusive, excepting the words "number three" in line one hundred and sixty-four and the words "Seaford Hundred" in line one hundred and seventy-two, and adding after the word "Hundred" in line one hundred and seventy-three the following:

And all that portion of Nanticoke Hundred which lies south and west of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond.

The amendment Was Lost.

Mr. Richards moved to amend by striking out the word "west" in line one hundred and sixty-five and inserting in lieu thereof the word "east,"

Which amendment Was Adopted.

Recurring to the original motion, as amended, it was adopted.

Mr. Bradford moved the adoption of lines one hundred and eighty-one to two hundred and four inclusive of Section 2, as follows:

The Senatorial Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington lying north of and bounded by a straight line including the

central line of Eighth street extending from the Delaware River to the westerly boundary of the said city.

Number Two. All that portion of the said city lying south of and bounded by the straight line aforesaid including the central line of Eighth street.

Number Three. Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and bounded by the central line of the Lancaster Turnpike.

Number Four. Mill Creek Hundred, together with all that portion of Christiana Hundred lying south of and bounded by the central line of the Lancaster Turnpike.

Number Five. White Clay Creek Hundred, Red Lion Hundred and New Castle Hundred.

Number Six. Pencader Hundred and St. Georges Hundred.

Number Seven. Appoquinimink Hundred and Blackbird Hundred.

The motion Prevailed.

Mr. Bradford moved the adoption of lines two hundred and five to two hundred and sixteen inclusive of Section 2, as follows:

The Senatorial Districts in Kent County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and seventh Representative Districts.

Number Four. The sixth and ninth Representative Districts.

Number Five. The eighth and tenth Representative Districts.

The motion Prevailed.

Mr. Bradford moved the adoption of lines two hundred and seventeen to two hundred and twenty-eight inclusive, of Section 2, as follows:

The Senatorial Districts in Sussex County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and sixth Representative Districts.

Number Four. The seventh and eighth Representative Districts.

Number Five. The ninth and tenth Reuresentative Districts.

The motion Prevailed.

Mr. Bradford moved the adoption of lines two hundred and tweney-nine to two hundred and ninety inclusive, of Section 2, as follows:

All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the Representative Districts in New Castle County as follows:

All lying east of a straight line including the central line of Market street, below Eighth street, as the said two streets now exist, and south of a straight line including the central line of Eighth street, as the same now exists, shall become part of Representative District number one.

All lying north of a straight line including the central line of Eighth street, as the same now exists, extending from the northeasterly side of Brandywine Creek to the Delaware River, or north of the Brandywine Creek, westwardly from the point of intersection of the said straight line with the northeasterly side

of the said creek, shall become part of Representative District number two.

All lying north of a straight line including the central line of Eighth street, as the same now exists, south of the Brandywine Creek, and west of the central line of Market street, as the same now exists, shall become part of Representative District number three.

All lying between a straight line including the central line of Market street extended southerly and a straight line including the central line of Washington street extended southerly shall become part of Representative District number four.

All lying south of a straight line including the central line of Eighth street, as the same now exists, and west of a straight line including the central line of Washington street, as the same now exists, shall become part of Representative District number five.

In case of any change in the boundary line between this State and the State of Pennsylvania any of the said Senatorial and Representative Districts in New Castle County affected thereby shall conform to any new boundary line between the said States.

All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the Senatorial Districts in New Castle County as follows:

All lying north of a straight line including the central line of Eighth street, extended from the Delaware River westwardly, shall become part of Senatorial District number one.

All lying south of a straight line including the central line of Eighth street, extended from the Delaware River westwardly, shall become part of Senatorial District number two.

Whenever by the extension of the limits of the City of Wilmington territory forming part of any Representative or Senatorial District, as hereby established, shall be included within the limits of the said city, such Representative or Senatorial District shall thereafter consist of the residue thereof, not so included within said limits.

The several Representative and Senatorial Districts in the State shall, except as herein otherwise provided, continue to be bounded, described and defined by the lines of the hundreds, wards, election district, public roads, railroad and other boundaries herein mentioned, as the same are now established and located.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 3, as follows:

Section 3. No person shall be a Senator who shall not have attained the age of twenty-seven years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Senatorial District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State. No person shall be a Representative who shall not have attained the age of twenty-four years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Representative District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 4, as follows:

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, and at such other times as the Governor shall convene the same.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 5, as follows:

Section 5. The General Assembly shall meet and sit in Dover, the capital of the State; provided, however, that in case of insurrection, conflagration or epedemic disease the General Assembly may temporarily meet and sit elsewhere.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 6, as follows:

Section 6. Whenever there shall be a vacancy in either House of the General Assembly, by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election shall be issued by the presiding officer of the House in which the vacancy exists, or in cases of necessity in such other manner as shall be provided by law; and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term. And whenever there shall be such vacancy in either House, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy, which writ shall be executed as a writ issued by the presiding officer of either House in case of vacancy, and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 7, as follows:

Section 7. The Senate at each biennial session shall choose one of its members President pro tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor or while he continues in the exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers, and in the absence of the Lieutenant Governor and its President pro tempore may, from time to time as occasion may require, appoint one of its members to preside. The House of Representatives shall choose one of its members Speaker and also choose its other officers, and in the absence of the Speaker may, from time to time as occasion may require, appoint one of its members to preside.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 8, as follows:

Section 8. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of all the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the at-

tendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 9, as follows:

Section 9. Each House may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected thereto expel a member, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 10, as follows:

Section 10. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor without the concurrence of a majority of all the members elected to each House.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 11, as follows:

Section 11. The doors of each House, and of Committees of the Whole, shall be open unless when the business is such as ought to be kept secret.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 12, as follows:

Section 12. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 13, as follows:

Section 13. The Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 14, as follows:

Section 14. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, attorneys-at-law and officers in the militia, holding no disqualifying office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 15.

Mr. Bradford moved to amend by striking out in line ten the word "twenty" and inserting in lieu thereof the word "thirty,"

Which amendment Prevailed.

Mr. Cavender moved to amend by striking out in line seventeen the word "one" and inserting in lieu thereof the word "regular" and also add to line seventeen "or ten dollars for a special session."

Mr. Spruance moved to strike out lines fifteen, sixteen and seventeen, with the proposed amendment of Mr. Cooper.

Pending the consideration a motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Thursday, May 13, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. H. G. Vincent.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury presented bill of Dover Post Office for $26.00, which, upon his motion was referred to Committee on Accounts.

Mr. Donahoe presented bill of "The Electric Press" for $14.00, which, upon his motion was referred to Committee on Accounts.

Upon motion of Mr. Gilchrist, Mr. Ellegood was granted leave of absence.

Recurring to the pending amendment of Mr. Spruance, by unanimous consent, he was permitted to withdraw all that portion of his amendment except, striking out lines fifteen, sixteen and seventeen, of Section 15.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Martin, Murray, Richards, Saulsbury, Smithers, Spruance.

Nays—Messrs. Cannon, Carlisle, Cavender, Clark, Cooch,

Cooper, Dasey, Donahoe, Evans, Gilchrist, Hearne, Horsey, Hering, Orr, Pratt, Sapp, Wright, Mr. President.

Yeas, 8; nays, 18.

So the question was decided in the negative, and the amendment was lost.

Recurring to the amendment of Mr. Cavender, to strike out in line seventeen the word "one" and insert the word "regular" in lieu thereof, and to add after the word "session," "or the sum of ten dollars for any special session,"

Which amendment Prevailed.

Mr. Spruance moved to amend Section 15 by striking out in lines five and six the words "for each day of the session not exceeding sixty days," and insert in lieu thereof "for each day of actual attendance during the period of sixty days from the commencing of the session."

Mr. Clark moved as a substitute, the following:

No member of the General Assembly shall be allowed for any day that the General Assembly is not in session and shall be allowed sixty days actual sitting.

Mr. Bradford moved that Section 15 and pending amendments be laid on the table for further consideration.

Mr. Saulsbury moved that Mr. Cavender have the privilege of the floor,

Which motion Prevailed.

Recurring to Mr. Bradford's motion, it prevailed.

Mr. Bradford moved the adoption of Section 16, as follows:

Section 16. No bill or joint resolution, except bills appropriating money for public purposes, shall embrace more than one subject, which shall be expressed in its title.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 17.

Mr. Spruance moved to amend Section 17, by inserting in line one between the words "tickets" and "pool" the word "and", and by striking out in line two the words "and all other forms of gambling."

Mr. Cooch moved for the previous question,

Which motion Was Lost.

Pending consideration a motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury submitted bill of George P. Jarrell for $1.80, which, upon his motion was referred to the Committee on Accounts.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom were referred two bills of Joshua D. Deane, and bills of Clark & McDaniel, Thomas M. Gooden, Postmaster, "The Electric Press" and George P. Jarrell, recommends the adoption of the following resolution:

Resolved, that the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer on account of the current expenses of the Convention, as follows: In favor of Joshua D. Deane, $302.27, for newspapers; Clark & McDaniel, $20.64, for supplies; Thomas M. Gooden, Postmaster, $26.00, for postage stamps; "The Electric Press," $14.00, for printing; George P. Jarrell, $1.80, for Welshback Mantles.

Mr. Saulsbury moved the report be accepted and the resolution adopted.

The motion Prevailed.

Recurring to the pending motion to amend Section 17.

On motion of Mr. Saulsbury the privilege of the floor was extended to Mr. Spruance for the third time.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Donahoe, Martin, Smithers, Spruance.

Nays—Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Gilchrist, Harman, Hearne, Horsey, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Wright, Mr. President.

Yeas, 5; nays, 21.

So the question was decided in the negative, and the amendment declared lost.

Mr. Spruance moved to amend Section 17 by inserting between the words "gambling" and "are" in line two the following words, "of an immoral or corrupting character."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Donahoe, Hering, Martin, Pratt, Saulsbury, Smithers, Spruance.

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Cooch, Cooper, Dasey, Gilchrist, Harman, Hearne, Horsey, Moore, Murray, Orr, Richards, Sapp, Wright, Mr. President.

Yeas, 7; nays, 19.

So the question was decided in the negative, and the amendment declared lost.

Recurring to the original motion to adopt Section 17,

The motion Prevailed.

And Section 17 was adopted, as follows:

Section 17. Lotteries, the sale of lottery tickets, pool-selling and all other forms of gambling are prohibited in this State. The General Assembly shall enforce this section by appropriate legislation.

Mr. Bradford moved the adoption of Section 18, as follows:

Section 18. No divorce shall be granted, nor alimony allowed, except by the judgment of a court, as shall be prescribed by general and uniform law.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 19, as follows:

Section 19. The General Assembly shall not pass any local or special law relating to fences; the straying of live stock; ditches; the creation or changing the boundaries of school districts; or the laying out, opening, alteration, maintenance or vacation, in whole or in part, of any road, highway, street, lane or alley.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 20, as follows:

Section 20. Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 21, as follows:

Section 21. No person who shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 22, as follows:

Section 22. Every person who shall give, offer or promise, directly or indirectly, any money, testimonial, privilege, personal advantage or thing of value to any executive or judicial officer of this State or to any member of either House of the General Assembly for the purpose of influencing him in the performance of any of his official or public duties shall be deemed guilty of bribery, and shall be punished in such manner as shall be provided by law.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 23, as follows:

Section 23. Every statute shall be a public law unless otherwise declared in the statute itself.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 24, as follows:

Section 24. The State Treasurer shall settle his accounts annually with the General Assembly or a joint committee thereof, which shall be appointed at every biennial session. No person who has served in the office of State Treasurer shall be eligible to a seat in either House of the General Assembly until he shall have made a final settlement of his accounts as treasurer and discharged the balance, if any, due thereon.

The motion Prevailed.

Mr. Clark moved that Section 15, of Article II, be now taken up for further consideration,

Which motion Was Lost.

Mr. Cooch moved to take up for consideration Article VI,

Which motion Prevailed.

Mr. Cooch moved the adoption of Section 1, Article VI, as follows:

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators.

On the trial of an impeachment against the Governor or Lieutenant Governor, the Chief Justice, or, in case of his absence or disability, the Chancellor shall preside; and on the trial of all other impeachments the President of the Senate shall preside.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 2, Article VI, as follows:

Section 2. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

The motion Prevailed.

Mr. Cooch moved the adoption of Section 3, Article VI, as follows:

Section 3. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the Government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The motion Prevailed.

Mr. Cooch moved that Article VI, as printed, be adopted as a whole, and to be known as Article VI, title Impeachments and Treason,

Which motion Prevailed.

Mr. Hearne moved to take up Article VII for consideration,

Which motion Prevailed.

Mr. Hearne moved the adoption of Section 1, Article VII, as follows:

Section 1. The Governor shall have power to remit fines and forfeitures and to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon, or reprieve for more than six months, shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after full hearing; and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof.

He shall fully set forth in writing the grounds of all reprieves, pardons and remissions, to be entered in the register of his official acts and laid before the General Assembly at its next session.

The motion Prevailed.

Mr. Hearne moved the adoption of Section 2, Article VII, as follows:

Section 2. The Board of Pardons shall be composed of the Chancellor, Lieutenant Governor, Secretary of State, State Treasurer and Auditor of Accounts.

The motion Prevailed.

Mr. Hearne moved the adoption of Section 3, Article VII, as follows:

Section 3. The said board may require information from the Attorney General upon any subject relating to the duties of said board.

The motion Prevailed.

Mr. Hearn moved that Article VII, as printed be adopted as a whole, and known as Article VII, title Pardons.

Which motion Prevailed.

Mr. Pratt moved to take up for consideration Article VIII, Revenue and Taxation,

Which motion Prevailed.

Mr. Pratt moved the adoption of Section 1, Article VIII, as follows:

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public welfare.

The motion Prevailed

Mr. Pratt moved the adoption of Section 2, Article VIII, as follows:

Section 2. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose alterations as on other bills; and no bill from the operation of which, when passed into law, revenue may incidentally arise shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

The motion Prevailed.

Mr. Pratt moved the adoption of Section 3, Article VIII.

Mr. Spruance moved to amend Section 3 by striking out in line four the word "three-fourths" and inserting in lieu thereof the word "two-thirds,"

Which motion Was Lost.

Recurring to the original motion for the adoption of Section 3, it prevailed,

And Section 3 was adopted, as follows:

Section 3. No money shall be borrowed or debt created by or on behalf of the State but pursuant to an act of the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House, except to supply casual deficiencies of revenue, repel invasion, suppress insurrections, defend the State in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed, or any part thereof, be left after the abandonment of such purpose or the accomplishment thereof, such money, or the surplus thereof, may be disposed of according to law.

Mr. Pratt, moved the adoption of Section 4, Article VIII, as follows:

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to any county, municipality or corporation, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than pursuant to an Act of the General Assembly, passed with the concurrence of three-fourths of all the members to each House.

The motion Prevailed.

Mr. Pratt moved the adoption of Section 5, Article VIII.

Mr. Clark moved to amend Section 5 by striking out in line one the word "shall" and inserting in lieu thereof the word "may."

Mr. Cavender moved that Section 5 and the proposed amendment be laid on the table for further consideration,

Which motion Prevailed.

Mr. Pratt moved the adoption of Section 6, Article VIII, as follows:

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by Act of the General Assembly; provided, however, that the compensation of the

members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to resolution in that behalf; a regular account of the receipts and expenditures of all public money shall be published annually.

The motion Prevailed.

Mr. Pratt moved to take up for consideration Section 7, of Article VIII.

Mr. Pratt moved to strike out Section 7, of Article VIII.

Pending the consideration a motion to adjourn until tomorrow 10.30 o'clock, a. m., prevailed.

Friday, May 14, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Horsey requested a leave of absence for the first three days next week, which, upon motion by Mr. Ellegood, was granted.

Recurring to the pending motion of Mr. Pratt to strike out Section 7, Article VIII,

The motion Was Lost.

Mr. Cavender moved the adoption of Section 7, Article VIII.

Mr. Martin moved to amend Section 7 by striking out in line two the word "and" and inserting in lieu thereof the words "together with" and in line seven the word "and" and inserting in lieu thereof the words "together with,"

Which amendment Was Lost.

Mr. Pratt moved to amend Section 7, by striking out, beginning with the word "and" in line four, viz:

"And in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and the improvements thereon shall be included," also the following words in line nine, "or of the rental value thereof for taxation."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Donahoe, Ellegood, Horsey, Pratt.

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Gilchrist, Hearne, Hering, Moore, Murray, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 4; nays, 20.

So the question was decided in the negative, and the amendment was lost.

Recurring to the original motion for the adoption of Section 7, it prevailed.

And Section 7 was adopted, as follows:

Section 7. In all assessments of the value of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and the improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of the value of real estate or of the rental value thereof for taxation for State, county, hundred, school, municipal or other public purposes.

Mr. Pratt moved the adoption of Section 8, as follows:

Section 8. No county, city, town or other municipality shall lend its credit or appropriate money to, or assume the debt of, or become a shareholder or joint owner in or with any private corporation or any person or company whatever.

The motion Prevailed.

Mr. Pratt moved Section 5, Article VIII, be taken from the table for consideration,

Which motion Prevailed.

By unanimous consent Mr. Clark withdrew his amendment to Section 5.

Mr. Pratt moved the adoption of Section 5, as follows:

Section 5. The General Assembly shall provide for levying and collecting a capitation tax from every male citizen of the State of the age of twenty-one years or upwards; but such tax to be collected in any county shall be uniform throughout that county, and such capitation tax shall be used exclusively in the county in which it is collected.

The motion Prevailed.

Mr. Pratt moved the adoption of Article VIII as a whole to be known as Article VIII, title, Revenue and Taxation,

Which motion Prevailed.

Mr. Horsey moved to take up for consideration Article XI, Agriculture,

Which motion Prevailed.

Mr. Martin submitted the following as a substitute in full for Article XI, Agriculture:

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture, which shall be possessed of and exercise all such powers as shall be conferred by the General Assembly for promoting immigration to this State; for guarding against, preventing, and abating, as far as possible, all contagious and infectious diseases in fruit trees, plants, vegetables, cereals and live stock; and for developing and promoting the agricultural interests of the State.

Section 2. The General Assembly shall provide by law for defraying the expense properly incidental to the maintenance of this department, and the execution of its powers as hereinbefore provided.

And moved it be taken up for consideration.

Mr. Clark moved to amend Mr. Martin's motion by offering the following as a substitute:

ARTICLE XI.

AGRICULTURE.

Section 1. A department to be known as the Department of Agriculture shall be established and maintained as hereinafter provided, which shall be possessed of and exercise all the such powers as shall be conferred upon it by the General Assembly for promoting immigration to this State; for guarding against, preventing, and abating as far as possible all contagious and infectious diseases in fruit trees, plants, vegetables, cereals and live stock; and for developing and promoting the agricultural interests of the State.

Section 2. The powers and affairs of the said department shall be executed and administered by three Commissioners, one of whom shall reside in each of the counties of the State, and any two of whom shall constitute a quorum for the transaction of business. The said commissioners shall be appointed by the Governor, by and with the consent of a majority of all the members of the Senate, one for the term of one year, one for the term of two years, and one for the term of three years, and at the expiration of each of said terms, and thereafter, each appointment shall be made for the term of three years, and they shall hold office until their successors are duly qualified: provided, that any vacancy occurring in the office before the expiring of the term shall be filled by appointment as aforesaid for the remainder of the term, and if such vacancy occurs when the Senate is not in session, the same maybe filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

Section 3. The department established by this Article shall continue for eight years from the date of the first meeting of the Commissioners; but may be thereafter continued for such period as the General Assembly may provide by law.

Section 4. The General Assembly shall prescribe the salary of the Commissioners, and provide by law for the payment of the same, and for the expense properly incidental to the maintenance of the said department, and the execution of its powers as in this Article provided.

Mr. Spruance moved that Article XI, with the proposed substitutes, be laid on the table for further consideration, and that the proposed substitutes be printed,

Which motion Was Lost.

Mr. Cooch moved that Article XI, with proposed substitutes, be made a special order for this afternoon at 2.30 o'clock,

Which motion Was Lost.

Recurring to the amendment to Mr. Martin's motion by Mr. Clark, by unanimous consent it was withdrawn.

Recurring to Mr. Martin's motion on the proposed substitute for Article XI,

Which motion Was Lost.

Mr. Bradford moved the adoption of Section 1 of Article XI.

Mr. Martin moved to substitute the following in lieu of Section 1:

"There shall be a department established and maintained known as the State Board of Agriculture, which shall be possessed of and exercise all such powers as shall be conferred by the General Assembly for promoting immigration to this State; for guarding against, preventing and abating, as far as possible, all contagious and infectious diseases in fruit trees, plants, vegetables, cereals and live stock, and for developing and promoting the agricultural interests of the State.

The motion Was Lost.

Recurring to the original motion for the adoption of Section 1, Article XI, it prevailed.

And Section 1 was adopted, as follows:

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Mr. Bradford moved the adoption of Section 2, as follows:

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State. Any two of them shall constitute a quorum for the transaction of business.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 3, as follows:

Section 3. The said Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: Provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 4, as follows:

Section 4. The said board shall have power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and upon complaint made by the board to the Attorney General, of any grievances committed by any common carrier or transportation company touching freight charges or efficiency of transportation, it shall be the duty of the Attorney General to institute and prosecute proceedings for the investigation and redress of such grievances, in such manner as shall be provided by law.

Mr. Bradford moved to amend Section 4 by striking out

in line nine the words "it shall be the duty of" and also to insert in line nine between the words "general" and "to" the words "shall have the power".

Mr. Clark moved to amend by striking out all after the word "animals" in line five.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Carlisle, Clark, Cooch, Cooper, Hearne, Hering, Martin, Murray, , Pratt, Sapp, Saulsbury, Smithers, Mr. President.

Nays—Messrs. Bradford, Cannon, Cavender, Dasey, Ellegood, Gilchrist, Horsey, Moore, Richards, Wright.

Yeas, 14; nays, 10.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Bradford moved the adoption of Section 4, as amended,

Which motion Prevailed.

And Section 4 was adopted, as follows:

Section 4. The said board shall have power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals.

Motion to adjourn until 2.15 o'clock, p. m., prevailed.

Same Day, 2.15 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Bradford moved the adoption of Section 5, Article XI, as follows:

Section 5. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 6, as follows:

Section 6. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

Mr. Bradford moved to amend by striking out lines three, four and five,

Which motion Prevailed.

Recurring to the motion for the adoption of Section 6, it prevailed.

And Section 6 was adopted, as follows:

Section 6. The General Assembly shall provide by law for the compensation of the members of said board.

Mr. Bradford moved the adoption of Section 7.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

Mr. Cooper moved to amend by striking out in line two the word "eight" and inserting in lieu thereof the word "six,"

Which amendment Was Lost.

Recurring to the motion for the adoption of Section 7, it prevailed.

And Section 7 was adopted, as follows:

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

Mr. Bradford moved the adoption of the whole Article, as amended, to be known as Article XI, title Agriculture,

Which motion Prevailed.

Mr. Bradford moved that Article XII be taken up for consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of Article XII, as follows:

The General Assembly shall provide for the establishment and maintenance of a State Board of Health, which shall shall have supervision of all matters relating to public health, with such powers and duties as may be prescribed by law; and also for the establishment and maintenance of such local boards of health as may be necessary, to be under the supervision of the State Board, to such extent and with such powers as may be prescribed by law.

The motion Prevailed.

Mr. Bradford moved that the Article adopted be known as Article XII, title Health,

Which motion Prevailed.

Mr. Bradford moved that Article XIII be taken up for consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 1, Article XIII, as follows:

Section 1. The General Assembly may provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in Section 2 of this Article, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no person, firm or corporation shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said district, until at a subsequent submission of such question a majority of votes shall be cast in said district for license. Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any district named in Section 2 of this Article shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

Mr. Bradford moved to amend Section 1 by adding in the first line between the words "may" and "provide" the words "from time to time."

Which motion Prevailed.

Mr. Martin moved to further amend Section 1 by striking out all of the section after the word "license" in line thirteen.

Pending consideration, a motion to adjourn until Monday at 10.30 o'clock, a. m., prevailed.

Monday, May 17, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hering, Johnson, Martin, Moore, Murray, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Richards presented a bill of the Sussex Republican for $19.00, which, upon his motion, was referred to Committee on Accounts.

Mr. Ellegood presented bill of Guyer & Hardesty, which, upon his motion, was referred to Committee on Accounts.

Mr. Donahoe presented bill of Richard R. Cooper, which, upon his motion, was referred to Committee on Accounts.

Mr. Gilchrist requested leave of absence for Mr. Pratt for the morning session, which, upon his motion, was granted.

Mr. Bradford moved that the Committee on Phraseology and Arrangement be increased, by adding two members, one of whom shall be the President of the Convention,

Which motion Prevailed.

The President announced Mr. Richards the other additional member.

Recuring to the pending question on the amendment of Section 1, Article XIII,

Mr. Gilchrist moved that Section 1, with pending amendments, be laid on the table for further consideration,

Which motion Prevailed.

Mr. Bradford presented the following resolution:

Resolved, That the Secretary of State be requested to furnish to the Committee on Phrasology and Arrangement the dates of termination of the terms of office of the various State and county officers of the State of Delaware, so far as the same may appear of record in his office.

And moved its adoption.

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 2, Article XIII, as follows:

Section 2. Under the provisions of this Article, Sussex County shall comprise one district, Kent County one district, the City of Wilmington, as its corporate limits now are or may hereafter be extended, one district, and the remaining part of New Castle County one district.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 3, Article XIII, as follows:

Section 3. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, enact laws governing the manufacture and sale of intoxicating liquors under the limitations of this Article, and provide such penalties as may be necessary to enforce the same.

The motion Prevailed.

Mr. Bradford moved that Article XIV be taken up for consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of lines one to twenty-three inclusive, as follows:

Members of the General Assembly and all public officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter upon the duties of

their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of ————————, according to the best of my ability"; and all such officers, except as aforesaid, who shall have been chosen at any election, shall, before they enter upon the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office."

No other oath, declaration or test shall be required as a qualification for any office of public trust.

The motion Prevailed.

Mr. Bradford moved that the lines adopted be known as Article XIV, title Oath of Office.

Which motion Prevailed.

Mr. Bradford moved that Article XV be now taken up for consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 1, Article XV, as follows:

Section 1. The Chancellor, Judges and Attorney General shall be conservators of the peace throughout the State; and the Sheriffs and Coroners shall be conservators of the peace within the counties respectively in which they reside.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 2, Article XV, as follows:

Section 2. No public officer shall receive any fees without giving to the person paying the same a receipt therefor, if required, therein specifying every item and charge.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 3, Article XV, as follows:

Section 3. No costs shall be paid by a person accused, on a bill being returned ignoramus, nor on acquittal.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 4, Article XV, as follows:

Section 4. No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 5, Article XV, as follows:

Section 5. All public officers shall hold their respective offices until their successors shall be duly qualified, except in cases herein otherwise provided.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 6, Article XV, as follows:

Section 6. All public officers shall hold their offices on condition that they behave themselves well, and shall be removed by the Governor on conviction of misbehavior in office or of any infamous crime.

Mr. Bradford moved Section 6 be laid on the table for further consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 7, Article XV, as follows:

Section 7. The matters within Section 30 of Article IV and Sections 7 and 8 of Article V are excepted from the provision of the Constitution that "No person shall for any indictable offence be proceeded against criminally by information," and also from the provisions of the Constitution concerning trial by jury.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 8, Article XV, as follows:

Section 8. This Constitution shall be prefixed to every codification of the laws of this State.

The motion Prevailed.

Mr. Bradford moved that Article XVI be now taken up for consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 1, as follows:

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least two newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said election such proposed amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, the Secretary of State shall cause the same again to be published in the manner aforesaid; and such propsed amendment or amendments shall be submitted to the qualified electors of the State at the next general election for approval or rejection; and if such proposed amendment or amendments

shall be approved by a majority of those voting thereon, the same shall become part of the Constitution upon the ascertainment of such results by the General Assembly. When two or more proposed amendments shall be so submitted they shall be voted upon separately.

Mr. Bradford moved to amend Section 1, as follows:

To strike out in line four the words "a majority" and insert in lieu thereof the words "two-thirds"; to insert in line thirteen between the words "shall" and "be" the words "upon a yea and nay vote," and to strike out in line thirteen the words "three-fifths" and insert in lieu thereof the words "two-thirds," and to strike out all after the word "house" in line fourteen down to and including the word "thereon" in line twenty-one, and to insert in line twenty-one, between the words "shall" and "become" the word "thereupon" and to add a period after the word "Constitution," and to strike out lines twenty-two, twenty-three, twenty-four and twenty-five.

Mr. Hering moved to further amend by striking out in line thirteen the words "two-thirds" and substituting in lieu thereof the words "three-fourths,"

Which motion Was Lost.

Recurring to the amendment offered by Mr. Bradford, it prevailed.

Mr. Carlisle moved to further amend by striking out in line ten the word "two" and inserting in lieu thereof the word "three,"

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 1, Article XVI, as amended,

Which motion Prevailed.

And Section 1 of Article XVI, was adopted as follows:

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by two-thirds of

all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least three newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said election such proposed amendment or amendments shall upon a yea and nay vote be agreed to by two-thirds of all the members elected to each House, the same shall thereupon become part of the Constitution.

Mr. Bradford moved the adoption of Section 2, Article XVI, as follows:

Section 2. The General Assembly may from time to time provide for the submission to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide for the election of delegates to such Convention at the next general election. Such Convention shall be composed of thirty-five delegates, one of whom shall be chosen from each Representative District by the qualified electors thereof. The delegates so chosen shall convene at the Capital of the State on the first Tuesday in September next after their election. Every delegate shall receive for his services such compensation as shall be provided by law. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedngs, and be the judge of the elections, returns and qualifications of its members. Whenever there shall be a vacancy in the office of delegate from any district by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election to fill such vacancy shall be issued by the Governor, and such vacancy shall be filled by the qualified electors of such district.

Mr. Spruance moved to amend by striking out in line eleven the words "thirty-five" and inserting in lieu thereof the words "forty-one," and to insert after the word "thereof" in line thirteen the words "and two of whom shall be chosen from New Castle County, two from Kent County and two from Sussex County, by the qualified electors thereof respectively."

Pending the consideration a motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Recurring to the pending amendment on Section 2, Article XVI,

Mr. Hering moved a further amendment by striking out all after the word "composed" in line eleven to and including the word "Representative" in line twelve and inserting in lieu thereof the words "of thirty-four delegates, two of whom shall be chosen from each Senatorial,"

Which motion Was Lost.

Recurring to the amendment offered by Mr. Spruance,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Cannon, Clark, Donahoe, Gilchrist, Harman, Hering, Moore, Murray, Richards, Saulsbury, Smithers, Spruance, Mr. President.

Nays—Messrs. Carlisle, Cavender, Cooper, Dasey, Ellegood, Johnson, Martin, Sapp, Wright.

Yeas, 15; nays, 9.

So the question was decided in the affirmative and the amendment was adopted.

Mr. Bradford moved to further amend by adding in line twenty-six between the words "district" and "by" the words "or county" and add at the end of line thirty the words "or county,"

Which amendment Prevailed.

Mr. Carlisle moved to further amend by inserting in line one between the words "Assembly" and "may" the words "by a two-thirds vote of all the members elected to each House,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Cannon, Carlisle, Cavender, Clark, Cooper, Evans, Gilchrist, Hering, Martin, Murray, Saulsbury, Smithers.

Nays—Messrs. Burris, Dasey, Donahoe, Ellegood, Harman, Moore, Richards, Sapp, Spruance, Wright, Mr. President.

Yeas, 13; nays, 11.

So the question was decided in the affirmative, and Mr. Carlisle's amendment prevailed.

Recurring to the motion for the adoption of Section 2, as amended, it prevailed,

And Section 2, Article XVI, was adopted, as follows:

Section 2. The General Assembly by a two-thirds vote of all the members elected to each House may from time to time provide for the submission to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide for the election of delegates to such Convention at the next general election. Such Convention shall be composed of forty-one delegates, one of whom shall be chosen from each Representative District by the qualified electors thereof, and two of them shall be chosen from New

Castle County, two from Kent County and two from Sussex County, by the qualified electors thereof respectively. The delegates so chosen shall convene at the Capital of the State on the first Tuesday in September next after their election. Every delegate shall receive for his services such compensation as shall be provided by law. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the elections, returns and qualifications of its members. Whenever there shall be a vacancy in the office of delegate from any district or county by reason of failure to elect, ineligilibility, death, resignation or otherwise, a writ of election to fill such vacancy shall be issued by the Governor, and such vacancy shall be filled by the qualified electors of such district or county.

Mr. Bradford moved the adoption of Section 3, Article XVI, as follows:

Section 3. The General Assembly shall provide for receiving, tallying and counting the votes for or against proposed amendments to the Constitution, and for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also enact all provisions necessary for giving effect to this Article.

Mr. Bradford moved to strike out all of line three and the word "against" in line four,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 3, as amended, it prevailed,

And Section 3, Article XVI, was adopted, as follows:

Section 3. The General Assembly shall provide for receiving, tallying and counting the votes for or against a Convention, and for returning to the General Assembly at its next

session the state of such vote; and shall also enact all provisions necessary for giving effect to this Article.

Mr. Bradford moved the adoption of Section 4, as follows:

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article, except a bill or resolution providing for the submission to the qualified electors of the State the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall require for its validity the approval of the Governor, and the same, except as aforesaid, shall be exempt from the provisions of Section 19 of Article III of this Constitution.

Mr. Bradford moved to amend Section 4, by striking out all after the word "Article" in line three down to and including the word "same" in line six, also the words "except as aforesaid" in lines seven and eight,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 4, as amended,

Which motion Prevailed.

And Section 4, Article XVI, was adopted, as follows:

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article shall require for its validity the approval of the Governor, and the same, shall be exempt from the provisions of Section 19 of Article III of this Constitution.

Mr. Bradford moved the adoption of Section 5, as follows:

Section 5. In voting at any general election, upon proposed amendments to the Constitution, or upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots.

Mr. Bradford moved to amend by striking out in the first

and second lines the words "upon proposed amendments to the Constitution,"

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 5, as amended,

Which motion Prevailed.

And Section 5, Article XVI, was adopted, as follows:

Section 5. In voting at any general election, upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots.

Mr. Bradford moved that the five sections, as amended, be adopted as the whole to be known as Article XVI, title, Amendments and Conventions,

Which motion Prevailed.

Mr. Saulsbury, on behalf of Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the bill of Guyer & Hardesty submits the following report:

Resolved, That the President of this Convention be and he is hereby authorized to draw his warrant upon the State Treasurer in favor of Guyer & Hardesty for $168.60, for stenographic reporting.

Mr. Ellegood moved the report be accepted and the resolution adopted,

Which motion Prevailed.

Mr. Gilchrist moved that Section 1, Article XIII, be taken from the table for consideration,

Which motion, by unanimous consent, was withdrawn.

Mr. Richards moved that Section 15, Article II, be taken from the table for consideration,

Which motion Prevailed.

By unanimous consent the proposed amendment to Section 15, by Mr. Clark, was withdrawn.

By unanimous consent the proposed amendment to Section 15, by Mr. Spruance, was withdrawn.

Mr. Spruance moved to amend by striking out the word "sixty" in line six and substituting in lieu thereof the word "seventy,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Saulsbury, Spruance.

Nays—Messrs. Bradford, Burris, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Harman, Hering, Martin, Moore, Richards, Smithers, Mr. President.

Yeas, 2; nays, 16.

So the question was decided in the negative, and the amendment declared lost.

Mr. Ellegood moved to further amend Section 15, by adding after the word "session" the following:

No member of the General Assembly shall, during a session of the General Assembly, accept or use any free pass or gift ticket, or free transportation, from any railroad or other transportation company, or transportation at a rate lower or less than that granted to the general public.

Pending consideration a motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Tuesday, May 18, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beachamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Hering, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented bill of Wm. T. Hutson for $9.00, which, upon his motion, was referred to the Committee on Accounts.

Mr. Dasey presented bill of J. S. Godwin for $3.25, which, upon his motion, was referred to the Committee on Accounts.

Recurring to the pending question at adjournment, Mr. Hering moved to amend Mr. Ellegood's amendment by striking out the words "a session of the General Assembly" and inserting in lieu thereof the words "his term of office,"

Which amendment Was Lost.

Recurring to the original amendment offered by Mr. Ellegood,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Cannon, Carlisle, Cavender, Donahoe, Ellegood, Gilchrist, Hearne, Hering, Saulsbury.

Nays—Messrs. Burris, Clark, Cooch, Dasey, Evans, Harman, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Smithers, Spruance, Wright, Mr. President.

Yeas, 10; nays, 17.

So the question was decided in the negative, and the amendment was lost.

Recurring to the motion for the adoption of Section 15, Article II, as amended, it prevailed,

And Section 15 of Article II, was adopted, as follows:

Section 15. The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of five dollars, and the presiding officers a per diem allowance of six dollars, for each day of the session, not exceeding sixty days; and should they remain longer in sesion they shall serve without compensation. In case a special or extra session of the General Assembly be called the members and presiding officers shall receive like compensation for a period not exceeding thirty days.

The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be paid out of the treasury of the State.

The cost to the State for stationery and other supplies for each member of the General Assembly shall not exceed the sum of twenty-five dollars for any regular session, or the sum of ten dollars for any special session.

Mr. Bradford moved that this Article from Section 1 to 24 inclusive be adopted as a whole, and to be known as Article II, title Legislature,

Which motion Prevailed.

Mr. Bradford moved that Article V, Elections, be now taken up for consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 1, Article V, as follows:

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of

November, and shall be by ballot; but the General Assembly may by law prescribe the means, methods and instruments of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 2, Article 5.

Mr. Cooch moved that Section 2 be laid on the table for further consideration,

Which motion Was Lost.

Recurring to the original motion for the adoption of Section 2, it prevailed,

And Section 2 was adopted as follows:

Section 2. Every male citizen of this State of the age of twenty-one years who shall have been a resident thereof one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people, and upon all questions which may be submitted to the vote of the people: provided, however, that no person who shall attain the age of twenty-one years after the first day of January, in the year of our Lord nineteen hundred, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith: and provided also, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deem-

ed by law felony, or incapacitated under the provisions of this Constitution from voting, shall enjoy the right of an elector; and the General Assembly may impose the forfeiture of the right of suffrage as a punishment for crime.

Mr. Bradford moved the adoption of Section 3, as follows:

Section 3. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under Section 8 of this Article.

The motion Prevailed.

Mr. Bradford moved the adoption of Section 4, as follows:

Section 4. The General Assembly shall provide by law for a uniform biennial registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence

to the election officers of the right of every person so registered to vote at the general election next thereafter, who is not disqualified under the provisions of Section 3 of this Article; but no person shall vote at such election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than ninety days nor less than sixty days before and be completed not more than twenty days nor less than ten days before such election. Application for registration may be made on at least five days during the said period; provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only; and each voter shall, at the time of his registration, pay a registration fee of one dollar.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident Associate Judge of the county, or, in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final; and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect, to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry. Registration shall be required only for general biennial elections at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Mr. Cavender moved to amend by striking out in line twenty-one the words "one dollar" and to insert in lieu thereof the words "two dollars."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Dasey, Donahoe, Hearne, Martin, Sapp.

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Clark, Cooch, Ellegood, Gilchrist, Harman, Hering, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Yeas, 6; nays, 20.

So the question was decided in the negative and the amendment was lost.

Mr. Pratt moved to further amend by striking out lines twenty-six, twenty-seven, twenty-eight and twenty-nine, to and including the word "he" and insert in lieu thereof the words, "Board of Review of Registration to be composed of three members, one to be named from each of the two political parties casting the largest number of votes at the last general election, and they shall choose the third. The decision of said Board shall be final and they."

Pending the consideration a motion to adjourn until 2.30 o'clock, p. m., prevailed.

———

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Recurring to the pending amendment, by unanimous consent it was withdrawn.

Mr. Pratt moved the following amendment to Section 4: strike out all of lines twenty-six, twenty-seven, twenty-eight and twenty-nine, to and including the word "he" and insert in lieu thereof the words "County Board of Review of Registration to be composed of three members, who shall be appointed

by the Associate Judge of the County, not less than twenty days before the election, whose determination shall be final, and the said Board."

The amendment Was Lost.

Mr. Bradford moved to amend by striking out in line twelve the word "ninety" and insert in lieu thereof the words "one hundred and twenty,"

Which motion Prevailed.

Recurring to the motion for the adoption of Section 4, as amended, it prevailed,

And Section 4, Article V, was adopted, as follows:

Section 4. The General Assembly shall provide by law for a uniform biennial registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person so registered to vote at the general election next thereafter, who is not disqualified under the provisions of Section 3 of this Article; but no person shall vote at such election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than one hundred and twenty days nor less than sixty days before and be completed not more than twenty days nor less than ten days before such election. Application for registration may be made on at least five days during the said period; provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only; and each voter shall, at the time of his registration, pay a registration fee of one dollar.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident Associate

Judge of the county, or, in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final; and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect, to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry. Registration shall be required only for general biennial elections at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Mr. Bradford moved the adoption of Section 5, as follows:

Section 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

The motion Prevailed.

Mr. Bradford moved that Section 6 be laid on the table for further consideration,

Which motion Prevailed.

Mr. Bradford moved the adoption of Section 7, as follows:

Section 7. Every person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of

nominating any candidate or candidates to be voted for at such general, special or municipal election; or who shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting, or upon a vote thereat by any person; or who shall, by the use or promise of money or other valuable thing, or otherwise, cause or attempt to cause any officer of election or registration officer to violate his official duty; or who shall by the use or promise of money or other valuable thing influence or attempt to influence any person to be registered or abstain from being registered; or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty; or who shall by force, threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered or any person qualified to vote from voting according to his choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than six months nor more than five years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court; and, if a male, shall further for a term of ten years next following his sentence be incapable of voting at any such general, special, municipal or primary election or convention or meeting. No person, other than the accused, shall, in the prosecution for any offense mentioned in this section, be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Mr. Bradford moved the amendment of Section 7, as follows: To insert the following words, "either in or out of the State," between the words "who" and "shall" in lines one, twelve, sixteen and twenty, and to add after the word "meeting" in line thirty-eight, the words, "Every person charged with the commission while out of the State of any of the offences enumerated in this section and by this section made punishable, whether committed in or out of the State, may be

prosecuted under Section 8 of this Article, in any county in which he shall be arrested on such charge."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Cannon, Cooch, Dasey, Ellegood, Evans, Gilchrist, Harman, Hearne, Moore, Orr, Richards, Sapp, Saulsbury, Wright.

Nays—Messrs. Carlisle, Clark, Donahoe, Martin, Murray, Pratt, Smithers, Spruance.

Yeas, 16; nays, 8.

So the question was decided in the affirmative, and the amendment prevailed.

Mr. Spruance moved to amend to strike out all after the word "election" in line twelve and lines thirteen, fourteen, fifteen and sixteen to and including the word "person,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Donahoe, Evans, Martin, Murray, Smithers, Spruance.

Nays—Messrs. Bradford, Burris, Cannon, Clark, Cooch, Dasey, Ellegood, Gilchrist, Hearne, Hering, Moore, Orr, Pratt, Richards, Sapp, Saulsbury, Wright.

Yeas, 7; nays, 17.

So the question was decided in the negative, and the amendment was lost.

Mr. Saulsbury moved to amend by adding in line twelve after the word "shall" the words "with intent to influence the vote of any elector thereby."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Clark, Donahoe, Hering, Martin, Murray, Saulsbury, Smithers, Spruance.

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Dasey, Ellegood, Gilchrist, Hearne, Moore, Orr, Pratt, Richards, Sapp, Wright.

Yeas, 8; nays, 14.

So the question was decided in the negative, and the amendment was lost.

Mr. Spruance moved to amend by striking out in line twenty-two the words "to be registered."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Clark, Donahoe, Martin, Murray, Smithers, Spruance.

Nays—Messrs. Bradford, Burris, Cannon, Cooch, Dasey, Ellegood, Evans, Gilchrist, Harman, Hearne, Moore, Orr, Pratt, Richards, Sapp, Saulsbury, Wright.

Yeas, 7; nays, 17.

So the question was decided in the negative, and the amendment was lost.

Mr. Pratt moved to amend by striking out in line thirty-three the word "six" and inserting in lieu thereof the word "one."

Mr. Ellegood moved to amend this amendment by striking out "one" and inserting the word "three."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Ellegood, Gilchrist, Moore, Richards, Saulsbury.

Nays—Messrs. Clark, Cooch, Cooper, Dasey, Donahoe, Hearne, Martin, Orr, Pratt, Smithers, Spruance.

Yeas, 7; nays, 11.

So the question was decided in the negative, and the amendment was lost.

Mr. Ellegood, moved to amend Mr. Pratt's amendment by striking out the word "one" and inserting the word "two,"

Which motion Was Lost.

Recurring to the original motion by Mr. Pratt to strike out in line thirty-three the word "six" and insert in lieu thereof the word "one."

The motion Prevailed.

Mr. Spruance moved to amend by striking out in line thirty-one the word "five" and inserting in lieu thereof the word "one."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Clark, Donahoe, Martin, Smithers, Spruance.

Nays—Messrs. Bradford, Burris, Cavender, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Moore, Orr, Pratt, Richards, Saulsbury.

Yeas, 5; nays, 14.

So the question was decided in the negative, and the amendment was lost.

Mr. Spruance moved to amend by striking out in line thirty-three the words "five years" and inserting in lieu thereof the words "one year."

Mr. Ellegood, moved to amend the amendments by striking out "one year" and inserting "three years."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Cavender, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hearne, Moore, Orr, Richards,.

Nays—Messrs. Clark, Donahoe, Martin, Pratt, Saulsbury, Smithers, Spruance.

Yeas, 13; nays, 7.

So the question was decided in the affirmative, and Mr. Ellegood's amendment prevailed.

Recurring to the amendment of Mr. Spruance, as amended, it prevailed.

Motion to adjourn until to-morrow at 10.30 o'clock, a. m., prevailed.

Wednesday, May 19, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented bill of W. D. McGloghlon for $1.00, which, upon his motion, was referred to the Committee on Accounts.

Recurring to the pending motion for the adoption, as amended, of Section 7, Article V, Mr. Spruance moved to further amend Section 7 by striking out all after the word "court" in line thirty-five to and including the word "meeting" in line thirty-eight.

Mr. Ellegood moved to amend the amendment offered by inserting in line thirty-six between the words "of" and "ten" the words "not less than two years nor more than,"

Which amendment Was Lost.

Recurring to the amendment offered by Mr. Spruance,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Clark, Donahoe, Johnson, Martin, Murray, Smithers, Spruance.

Nays—Messrs. Cannon, Cavender, Cooch, Dasey, Elle-

good, Evans, Gilchrist, Hearne ,Horsey, Moore, Pratt, Richards, Wright, Mr. President.

Yeas, 8; nays, 14.

So the question was decided in the negative, and the motion was lost.

Mr. Pratt moved to further amend Section 7 by adding immediately after the word meeting in line thirty-eight the following:

"But the penalty of disfranchisement shall not apply to any person making or being a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Cavender, Clark, Donahoe, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Murray, Pratt, Saulsbury, Smithers, Spruance, Mr. President.

Nays—Messrs. Cannon, Cooch, Dasey, Ellegood, Moore, Richards, Wright.

Yeas, 17; nays, 7.

So the question was decided in the affirmative, and the amendment prevailed.

Mr. Spruance moved to amend Section 7 further by inserting after the word "further" in line thirty-five the words "at the discretion of the court,"

Which amendment Was Lost.

Recurring to the motion to adopt Section 7, Article V, as amended,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Carlisle, Cavender, Clark, Cooch, Dasey, Ellegood, Evans, Gilchrist, Hearne, Horsey, Johnson, Moore, Pratt, Richards, Wright, Mr. President.

Nays—Messrs. Donahoe, Hering, Martin, Murray, Smithers, Spruance.

Yeas, 17; nays, 6.

So the question was decided in the affirmative, and Section 7, Article V, was adopted, as follows:

Section 7. Every person who either in or out of the State shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election; or who either in or out of the State shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting, or upon a vote thereat by any person; or who either in or out of the State shall, by the use or promise of money or other valuable thing, or otherwise, cause or attempt to cause any officer of election or registration officer to violate his official duty; or who either in or out of the State shall by the use or promise of money or other valuable thing influence or attempt to influence any person to be registered or abstain from being registered; or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty; or who shall by force threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered or any person qualified to vote from voting according to his choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than one month nor more than three years, or shall suffer both fine and imprisonment witnin said limits, at the discretion of the court; and, if a male, shall further for a term of ten

years next following his sentence be incapable of voting at any such general, special, municipal or primary election or convention or meeting. But the penalty of disfranchisement shall not apply to any persons making or being a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting. Every person charged with the commission while out of the State of any of the offences enumerated in this section, and by this section made punishable, whether committed in or out of the State, may be prosecuted under Section 8 of this Article, in any county in which he shall be arrested on such charge. No person, other than the accused, shall, in the prosecution for any offence mentioned in this section, be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Mr. Richards moved the adoption of Section 8, Article V.

Mr. Richards moved to amend by inserting in line eighty-four between the words "reside" and "such" the words "or out of the State,"

Which motion Prevailed.

Mr. Richards moved the adoption of Section 8, as amended.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Cavender, Cooch, Dasey, Ellegood, Evans, Gilchrist, Hearne, Horsey, Moore, Pratt, Richards, Wright, Mr. President.

Nays—Messrs. Carlisle, Clark, Donahoe, Hering, Johnson, Martin, Murray, Saulsbury, Smithers, Spruance.

Yeas, 14; nays, 10.

So the question was decided in the affirmative, and Section 8, Article V, was adopted, as follows:

Section 8. Every prosecution for any of the offences mentioned in Section 7 of this Article shall be on information filed by the Attorney General, after examination and commitment or holding to bail by a judge or justice of the peace, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or a petit jury. The accused, if adjudged guilty of the offence charged against him, shall have the right at any time within the space of three calendar months next after sentence is pronounced to an appeal to the Supreme Court. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not operate as a supersedeas unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge. On such appeal the Supreme Court shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein, and the law applicable thereto, and give final judgment accordingly, either affirming or reversing the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Supreme Court shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Supreme Court, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below, after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have the right at any time after its approval and until final judgment shall be rendered by the Supreme Court, and, in case the judgment of the court below shall be affirmed, until the expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the county in which he was sentenced; and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for such taking and rendering. If the Supreme Court shall reverse any judgment of the court below imposing a fine, and if the accused

shall have fully paid such fine and the costs of prosecution, the amount thereof shall be refunded to the appellant through a warrant drawn by the court below on the treasurer of the county in which the accused was sentenced. All the judges entitled to sit in the Supreme Court shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof, providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same when so printed or reduced to writing, and of copies thereof; for the copying and certification of all documentary or other written or printed evidence in the cause in the court below and of the record therein; for the transmission to the Supreme Court of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court; for the transmission to the court below of a certified copy of the final judgment of the Supreme Court and of any additional sentence pronounced by said court, for the discharge of sureties in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Supreme Court and the court below in cases of appeal under this section. The said judges, or a majority of them, met as aforesaid, may also provide that when complaint shall be made in due form, prescribed by them, to any judge entitled to sit in the Supreme Court, that any offence mentioned in Section 7 of this Article has been committed in the county in which such judge shall reside, or out of the State, such judge shall have power to cause the person charged with such offense to be arrested within any county of this State and brought before him, and to bind him with sufficient surety, or, for want of bail, commit him for his appearance and answer at the next term of the Court of General Sessions in such manner and under and pursuant to such rules and regulations as the said judges, or a majority of them, shall prescribe. From time to time hereafter, whenever a majority of all the judges entitled to sit in the Supreme Court

shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court; and they, or a majority of them, shall have power to revise, amend, add to or annul, any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section, or arrest and binding or commitment for appearance and answer, in such manner and to such extent as in their judgment shall best serve to effectuate the purposes hereof. No person shall be adjudged guilty of any offence mentioned in Section 7 of this Article without the concurrence of all of the judges trying the case; and upon appeal no judgment of the court shall be affirmed without the concurrence of all of the judges of the Supreme Court sitting in the case, and their failure to concur as aforesaid shall operate as a reversal of the judgment of the court below; provided, however, that such concurrence of the judges sitting in the Supreme Court shall not be necessary for the affirmance of the judgment of the court below where the appellant shall fail to prosecute his appeal pursuant to the rules and practice herein provided for.

Mr. Richards moved the adoption of Section 9, as follows:

Section 9. The enumeration of the offences mentioned in Section 7 of this Article shall not preclude the General Assembly from defining and providing for the punishment of other offences against the freedom and purity of the ballot, or touching the conduct, returns or ascertainment of the result of general, special or municipal elections, or of primary elections, conventions or meetings held for the nomination of candidates to be voted for at general, special or municipal elections. No prosecution under any act of the General Assembly passed pursuant to this section shall be subject to the provisions of Section 8 of this Article.

The motion Prevailed.

Mr. Hearne moved to take up for consideration Article X, Education,

Which motion Prevailed.

Mr. Hearne moved to strike out the whole of Article X.

Mr. Gilchrist moved that Article X be laid on the table for further consideration,

Which motion Prevailed.

Mr. Pratt moved to take up for consideration Article IX,

Which motion Prevailed.

Mr. Pratt moved the adoption of Section 1, Article IX.

Mr. Saulsbury moved to amend by adding in line six between the words "corporation" and "or" the word "banks,"

Which amendment Prevailed.

Mr. Spruance moved to amend further by adding in line six after the word banks, the words, "Railroad Corporations, Street Railway Corporations."

Pending consideration a motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Recurring to the pending amendment offered by Mr. Spruance,

The motion Was Lost.

Mr. Pratt moved the adoption of Section 1, as amended, as follows:

Section 1. No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed, or revived by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations, banks or corporations for charitable, penal, reformatory or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by

general law, provide for the revocation of forfeiture of the charters of all corporations for the abuse, misuse, or non-user of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney General, as may be provided by law. No general incorporation law, nor any special act of incorporation, shall be enacted without the concurrence of two-thirds of all the members elected to each House of the General Assembly.

The motion Prevailed.

Mr. Pratt moved the adoption of Section 2, as follows:

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter amended or renewed without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

The motion Prevailed.

Mr. Pratt moved the adoption of Section 3, as follows:

Section 3. No corportion shall issue stock, except for money paid, labor done or personal property, or real estate or leases thereof actually acquired by such corporation; and neither labor nor property shall be received in payment of stock at a greater price than the actual value at the time the said labor was done or property delivered or title acquired.

The motion Prevailed.

Mr. Pratt moved the adoption of Section 4, as follows:

Section 4. The rights, privileges, immunities and estates of religious societies and corporate bodies, except as herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

The motion Prevailed.

Mr. Pratt moved the adoption of an addition Section, as follows:

Section —. No corporation created under general law shall commence business until twenty per centum of its author-

ized capital shall have been paid into its treasury in cash; nor shall the stock or bonded indebtedness of corporations be increased, except pursuant to general law, nor without the consent of the holders of a majority of the stock outstanding first obtained at a meeting called for the purpose, public notice thereof having been first given, as may be provided by law.

The motion Was Lost.

Mr. Pratt moved the adoption of an additional section to be known as Section 5, as follows:

Section 5. No foreign corporation shall do any business in this State without having an authorized agent or agents in the State upon whom service of legal process may be served.

The motion Prevailed.

Mr. Gilchrist moved that the vote by which Section 5 was adopted be reconsidered,

Which motion Prevailed.

Mr. Pratt moved to amend by striking out in line four the words "service of,"

Which motion Prevailed.

Mr. Spruance moved to further amend by inserting in line two between the words "State" and "without" the following words, "through or by branch offices, agents, or representatives located in this State,"

Which amendment Was Lost.

Mr. Carlisle moved that the vote by which the amendment offered by Mr. Spruance was lost, be reconsidered,

Which motion Prevailed.

Recurring to the amendment offered by Mr. Spruance, it prevailed.

Recurring to the motion for the adoption of Section 5, as amended,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Carlisle, Cavender, Clark, Cooch, Gilchrist, Horsey, Martin, Moore, Murray, Richards, Smithers, Spruance, Wright, Mr. President.

Nays—Messrs. Cannon, Cooper, Dasey, Evans, Hearne, Hering, Pratt, Sapp, Saulsbury,.

Yeas, 15; nays, 9.

So the question was decided in the affirmative, and Section 5 was adopted, as amended, as follows:

Section 5. No foreign corporation shall do any business in this State, through or by branch offices, agents or representatives located in the State, without having an authorized agent or agents in the State upon whom legal process may be served.

Mr. Pratt moved the adoption of an additional section to be known as Section 6, as follows:

Section 6. In all elections for directors or managers of stock corporations each shareholder shall be entitled to one vote for each share of stock he may hold.

The motion Prevailed.

Mr. Pratt moved that the sections from 1 to 6 inclusive, be adopted, as amended, as the whole, to be known as Article IX, title, Corporations,

Which motion Prevailed.

Motion to adjourn until to-morrow 10.30 o'clock, a. m., prevailed.

Thursday, May 20, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by a member, David S. Clark.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Donahoe presented bill of Peter C. Gruwell for $250, which, upon his motion, was referred to Committee on Accounts.

Mr. Gilchrist moved that Section 1, Article XIII, be taken from the table for consideration,

Which motion Prevailed.

Recurring to the pending amendment by Mr. Martin, to strike out all after the word "licenses" in line thirteen,

Mr. Martin moved that Section 1, Article XIII, with pending amendment be laid on the table for further consideration,

Which motion Prevailed.

Mr. Gilchrist moved that Article X be taken up for consideration,

Which motion Prevailed.

Recurring to the pending motion of Mr. Hearne, by unanimous consent it was permitted to be withdrawn.

Mr. Gilchrist moved the adoption of Section 1, as follows:

Section 1. The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.

The motion Prevailed.

Mr. Martin moved that Section 2, Article X, be stricken out,

Which motion Was Withdrawn.

Mr. Cooch moved the adoption of Section 2, as follows:

Section 2. In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools which, with the income of the investments of the Public School Fund, shall be annually apportioned among the school districts on the basis of a per diem for every day taught by each teacher in said districts, during the school year next preceding the time of such apportionment; and the money so apportioned shall be used exclusively for the payment of teachers' salaries and for furnishing free text books; provided, however, that in such apportionment, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be provided by law.

Mr. Gilchrist moved to amend Section 2 by striking out in line six the word "annually" and inserting in lieu thereof the word "equitably" and by striking out all after the word "districts" in line seven to and including the word "apportionment" in line ten, and inserting in lieu thereof the words "of the State as the General Assembly shall provide."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Cavender, Clark, Cooch, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Hering, Martin, Richards, Sapp, Saulsbury, Wright.

Nays—Messrs. Moore, Murray, Orr, Pratt, Smithers, Spruance, Mr. President.

Yeas, 15; nays, 7.

So the question was decided in the affirmative, and the amendment was adopted.

Mr. Cooch moved to further amend Section 2, Article X, by striking out all after the word "provisions" in line three, down to and including the word "dollars" in the fourth line, also to strike out the word "benefit" in line four and insert in lieu thereof the word "maintenance."

Pending consideration a motion to adjourn until 2 o'clock, p. m., prevailed.

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Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Recurring to the amendment offered by Mr. Cooch,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Cooch, Cooper, Dasey, Donahoe, Evans, Horsey, Martin, Sapp, Saulsbury, Mr. President.

Nays—Messrs. Burris, Cannon, Clark, Ellegood, Gilchrist, Hearne, Hering, Moore, Murray, Orr, Pratt, Richards, Smithers, Spruance, Wright.

Yeas, 11; nays, 15.

So the question was decided in the negative, and the amendment was lost.

Mr. Cooper moved to further amend Section 2, to strike out the part remaining in line ten, and all of lines eleven and twelve down to and including the word books,

Which motion Was Lost.

Recurring to the motion for the adoption of Section 2, as amended,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Clark, Cooch, Ellegood, Gilchrist, Hearne, Hering, Moore, Murray, Orr, Pratt, Richards, Smithers, Spruance, Wright.

Nays—Messrs. Cavender, Cooper, Dasey, Donahoe, Evans, Horsey, Martin, Sapp, Saulsbury, Mr. President.

Yeas, 16; nays, 10.

So the question was decided in the affirmative, and Section 2, as amended, was adopted, as follows:

Section 2. In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools which, with the income of the investments of the Public School Fund, shall be equitably apportioned among the school districtsof the State as the General Assembly shall provide; and the money so apportioned shall be used exclusively for the payment of teachers' salaries and for furnishing free text books; provided, however, that in such apportionment, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be provided by law.

Mr. Gilchrist moved the adoption of Section 3.

Mr. Clark moved to amend by striking out all of Section 3, after the word "school" in line five.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Clark, Cooper, Horsey, Moore, Pratt, Richards, Sapp, Smithers, Wright.

Nays—Messrs. Cavender, Cooch, Dasey, Donahoe, Evans, Gilchrist, Hearne, Hering, Martin, Murray, Orr, Saulsbury, Spruance, Mr. President.

Yeas, 11; nays, 14.

So the question was decided in the negative, and the amendment was lost.

Recurring to the motion for the adoption of Section 3, it prevailed,

And Section 3 was adopted, as follows:

Section 3. No portion of any fund now existing, or which may hereafter be appropriated, or raised by tax, for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian, church or denominational school; provided, that all real and personal property used for school purposes, where the tuition is free, shall be exempt from taxation and assessment for public purposes.

Mr. Gilchrist moved the adoption of Section 4, as follows:

Section 4. No part of the principal or income of the Public School Fund, now or hereafter existing, shall be used for any other purpose than the support of free public schools.

The motion Prevailed.

Mr. Gilchrist moved that Sections 1 to 4 inclusive, as amended, be adopted as a whole, to be known as Article X, title, Education,

Which motion Prevailed.

Mr. Gilchrist moved that Section 1, Article XIII, be taken from the table for consideration,

Which motion Was Lost.

Mr. Richards moved that Section 6, Article XV, be taken from the table for consideration,

Which motion Prevailed.

Mr. Wright moved the adoption of Section 6, Article XV.

Mr. Spruance moved to amend Section 6 by striking out in lines two and three the words "and shall be removed by the Governor on conviction," and insert in lieu thereof the words, "the Governor shall remove from office any public officer convicted,"

Which motion Prevailed.

Mr. Spruance moved the adoption of Section 6, as amended,

Which motion Prevailed.

And Section 6, Article XV, was adopted, as follows:

Section 6. All public officers shall hold their offices on condition that they behave themselves well. The Governor shall remove from office any public officer convicted of misbehavior in office or of any infamous crime.

Mr. Spruance moved that Sections 1 to 8, inclusive, as amended, be adopted as a whole, to be known as Article XV, title, Miscellaneous,

Which motion Prevailed.

Motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Friday, May 21, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. B. Turner.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Donahoe, Ellegood, Gilchrist, Hearne, Hering, Martin, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented an Article, which, upon his motion, was read, as follows:

ARTICLE —.

RAILROADS.

Section 1. A Commission is hereby established to be known as "The Railroad Commission" which shall be composed of three members, one of whom shall reside in each county of the State. Any two of them shall constitute a quorum for the transaction of business.

Section 2. The said Commissioners shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of members of said Railroad Commission shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: provided, that any vacancy occurring in the said Railroad Commission before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further, that in case such vacancy shall

occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

Section 3. The said Railroad Commission shall have power to investigate any grievances committed by any common carrier or transportation company touching freight charges or efficiency of transportation, and upon complaint to the Attorney General, he shall have power to institute and prosecute proceedings for the redress of such grievances in such manner as shall be prescribed by law.

Section 4. No person in the service of any railroad or common carrier company or corporation, or of any firm or association conducting business as a common carrier, or in anywise pecuniarily interested in such company, corporation, firm or association, or in the railroad business, or as a common carrier, shall hold the office of Railroad Commissioner.

Section 5. The General Assembly shall provide by law for the compensation of the members of said Commission.

And further, on Mr. Ellegood's motion, it was laid on the table for further consideration.

Mr. Spruance moved to take up for consideration the sections passed over in Article III,

Which motion Prevailed.

Mr. Spruance moved the adoption of Section 3, Article III.

Mr. Spruance moved to amend by striking out the words "an additional" in line eighteen and inserting in lieu thereof the word "the,"

Which motion Prevailed.

Mr. Spruance moved the adoption of Section 3, as amended,

Which motion Prevailed.

And Section 3, Article III, was adopted, as follows:

Section 3. The returns of every election for Governor shall be sealed up, and immediately transmitted to the President of the Senate, or in case of a vacancy in the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county. The person having the highest number of votes shall be Governor; but if two or more shall be equal in the highest number of votes, the members of the two Houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the President of the Senate shall have the casting vote.

Mr. Spruance moved the adoption of Section 7, Article III, as follows:

Section 7. No member of Congress, nor person holding any office under the United States or this State, shall hold or exercise the office of Governor.

The motion Was Withdrawn.

Mr. Spruance moved to strike out Section 7, Article III,

Which motion Prevailed.

Mr. Spruance moved the adoption of Section 20, Article III.

Recurring to the pending amendments to insert in line eight between the words "or" and "as" the words "while acting," it was lost.

Mr. Richards moved to amend Section 20, by adding after the word "pardons" in line eight, the following words, "whenever attending the sessions of said Board,"

Which motion Prevailed.

Mr. Spruance moved to further amend Section 20, by inserting in line nine, between the words "compensation" and "as" the words "per day",

Which motion Prevailed.

Mr. Spruance moved the adoption of Section 20, Article III, as amended,

Which motion Prevailed.

And Section 20, Article III, was adopted, as follows:

Section 20. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as the Governor; he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

The Lieutenant Governor while acting as President of the Senate, or as a member of the Board of Pardons, whenever attending the sessions of said board shall receive for his services the same compensation per day as the Speaker of the House of Representatives.

Mr. Spruance moved the adoption of Section 21, Article III, as follows:

Section 21. In case the person elected Governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant Governor; and in case of removal, death, resignation, or inability of both the Governor and Lieutenant Governor, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney General, or if there be none, or in the case of his removal, death, resignation, or inability, then the President pro tempore of the Senate, or if there be none, or in case of his removal, death, resignation, or inability, then the Speaker of the House of Representatives shall act as

Governor until the disability of the Governor or Lieutenant Governor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions of this section shall apply only to such persons as are elegible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, Secretary of State or Attorney General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of Representatives, his seat as a member of the General Assembly shall become vacant; and any such vacancy shall be filled as directed by this Constitution: provided, however, that such vacancy shall not be created in case either of the said persons shall be acting as Governor during a temporary disability of the Governor.

The motion Prevailed.

Mr. Spruance moved that Section 8, Article III, be Section 7, and that the remaining sections be numbered consecutively,

Which motion Prevailed.

Mr. Saulsbury moved that Sections 1 to 23, inclusive, as amended, be adopted as a whole, to be known as Article III, title, Executive,

Which motion Prevailed.

Mr. Saulsbury asked unanimous consent to change in line eight, page 100, the words "Section 19 to Section 18," to conform to the renumbering of Article III,

Which was Agreed to.

Mr. Spruance moved that Section 6, Article V, be taken from the table for consideration,

Which motion Prevailed.

Mr. Spruance moved the adoption of Section 6, Article V.

Mr. Spruance moved to amend Section 6 by striking out all of Section 6 down to and including the word "it" in line twelve, and substitute as follows:

Section 6. The presiding election officer of each hundred or election district, on the day next after the general election, shall deliver one of the certificates of the election, made and certified as required by law, together with the ballot box or ballot boxes, containing the ballots and other papers required by law to be placed therein, to the Prothonotary of the Superior Court of the county, who shall at twelve o'clock noon, on the second day after the election present the same to the said court, and the election officer or officers having charge of any other certificate or certificates of the election shall at the same time present the same to the said court, and the said court shall at the same time convene for the performance of the duties hereby imposed upon it.

The amendment Was adopted.

Mr. Spruance moved to further amend Section 6, by changing the word "certificate" in line nineteen to "certificates" and inserting in line twenty between the words "produced" and "or" the words "or in case the certificates produced do not agree,"

Which amendment Was adopted.

Mr. Spruance moved the adoption of Section 6, as amended,

Which motion Prevailed.

And Section 6, Article V, was adopted, as follows:

Section 6. The presiding election officer of each hundred or election district on the day next after the general election shall deliver one of the certificates of the election, made and certified as required by law, together with the ballot box or ballot boxes, containing the ballots and other papers required by law to be placed therein, to the Prothonotary of the Superior Court of the county, who shall at twelve o'clock noon on

the second day after the election present the same to the said court, and the election officer or officers having charge of any other certificate or certificates of the election shall at the same time present the same to the said court and the said court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificates of election of any hundred or election district shall not be produced, or in case the certificates produced do not agree or in case of complaint under oath of fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such certificate, the court shall have power to issue summary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the Boards of Canvass, and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

No act or determination of the court in the discharge of the duties imposed upon it by this section shall be conclusive in the trial of any contested election.

For the purposes of this section the Superior Court shall consist in New Castle county of the Chief Justice and the resi-

dent Associate Judge; in Kent county of the Chancellor and the resident Associate Judge; and in Sussex county of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

Mr. Richards moved that Sections 1 to 9 inclusive be adopted as a whole to be known as Article V, title, Elections,

Which motion Prevailed.

Mr. Cooch moved the vote by which Article XV was adopted be reconsidered,

Which motion Prevailed.

Mr. Cooch moved an additional section be added to Article XV, as follows:

No ordained clergyman or ordained preacher of the gospel of any denomination shall be capable of holding any civil office in this State, or of being a member of either branch of the General Assembly, while he continues in the exercise of the pastoral charge.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Cooch, Cooper, Donahoe, Evans, Hearne, Martin, Sapp, Mr. President.

Nays—Messrs. Burris, Cannon, Carlisle, Clark, Gilchrist, Hering, Moore, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright.

Yeas, 9; nays, 13.

So the question was decided in the negative, and the amendment was lost.

Mr. Pratt moved an additional section be added to Article XV, as follows:

After the adoption of this Constitution no person shall be permitted to serve as a grand or petit juror in this State, unless he be of good moral character and shall be able to read this Constitution in the English language and write his name.

Pending consideration a motion to adjourn until 2 o'clock, p. m., prevailed.

———

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Recurring to the motion of Mr. Pratt to add to Article XV,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Gilchrist, Hearne, Moore, Pratt, Sapp, Wright.

Nays—Messrs. Burris, Cavender, Cooch, Evans, Richards, Saulsbury, Smithers, Spruance, Mr. President.

Yeas, 7; nays, 9.

So the question was decided in the negative, and the motion was lost.

Mr. Cooch moved that Article XV be, without change, adopted as a whole,

Which motion Prevailed.

Mr. Gilchrist moved that Section 1, Article XIII, be taken from the table for consideration,

Which motion Prevailed.

Recurring to the pending amendment to strike out all after "license" in line thirteen,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Cavender, Cooch, Donahoe, Evans, Hearne, Martin, Spruance, Mr. President.

Nays—Messrs. Burris, Cannon, Clark, Cooper, Ellegood, Gilchrist, Moore, Richards, Sapp, Smithers, Wright.

Yeas, 9; nays, 11.

So the question was decided in the negative, and the amendment declared lost..

Mr. Gilchrist moved the adoption of Section 1, Article XIII, as amended.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Clark, Cooper, Ellegood, Gilchrist, Moore, Pratt, Richards, Sapp, Smithers, Wright.

Nays—Messrs. Carlisle, Cavender, Cooch, Donahoe, Evans, Hearne, Martin, Spruance, Mr. President.

Yeas, 12; nays, 9.

So the question was decided in the affirmative, and Section 1, Article XIII, was adopted, as follows:

Section 1. The General Assembly may, from time to time, provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in Section 2 of this Article, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no person, firm or corporation shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said district, until at a subsequent submission of such question a majority of votes shall be cast in said district for license. Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any dis-

trict named in Section 2 of this Article shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

Upon motion by Mr. Gilchrist Sections 1 to 3 were adopted as a whole to be known as Article XIII, title, Local Option.

Mr. Cooch moved to take from the table for consideration the proposed Article, Railroads,

Which motion Prevailed.

Mr. Ellegood moved the adoption of Sections 1 to 5 inclusive.

Mr. Ellegood moved it be laid on the table for further consideration,

Which motion Was Lost.

Recurring to the original motion for adoption,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Ellegood, Moore, Wright.

Nays—Messrs. Burris, Carlisle, Cavender, Clark, Cooch, Cooper, Donahoe, Evans, Hearne, Hering, Martin, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Mr. President.

Yeas, 4; nays, 18.

So the question was decided in the negative, and the proposed Article was rejected.

Mr. Cavender moved that when we adjourn it will be to meet Wednesday next at 10.30 o'clock, a. m.

Mr. Pratt moved to amend by making it Thursday,

Which amendment Was Lost.

Recurring to the original motion, it prevailed.

Motion to adjourn until next Wednesday, May 26th, at 10.30 o'clock, a. m., prevailed.

Wednesday, May 26, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Orr, Richards, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

The following bills were presented:

By Mr. Ellegood, bill of Guyer & Hardesty, for.....$481.20.
By Mr. Saulsbury, bill of Dover Index, for..... 80.00.
By Mr. Donahoe, bill of Thomas Rossiter, for..... 86.00
By Mr. Donahoe, bill of J. D. Deane, for..... 30.99
By Mr. Hering, bill of State Sentinel Printing Co., for. 3.00

Which, upon their respective motions,were referred to the Committee on Accounts.

Mr. Saulsbury moved that the Committee on Phraseology and Arrangement be authorized to have the proposed Constitution properly enrolled,

Which motion Prevailed.

Mr. Cooch presented a petition, which, upon his motion, was read, as follows:

PETITION.

To the Constitutional Convention of the State of Delaware, 1896-97:

We, the undersigned, citizens of the State of Delaware,

and residents of the City of Wilmington, believing that the Constitution of a State can have no rightful validity unless ratified by the people, respectfully petition your honorable body to take measures to submit the new Constitution, which you are now preparing, to a vote of the people for their approval or rejection.

Any other course on the part of your honorable body will detract from the high estimation with which we regard you, and will tend to show that you distrust the people and have a desire to override their will.

To which were attached about 1000 names (not read).

Mr. Cooch moved that the petition be referred to the Committee on Submitting the Constitution to the People for Ratification,

Which motion Prevailed.

Mr. Saulsbury asked unanimous consent to strike out in Article IV, Section 30, line two, on page 60, the word "them" and insert in lieu thereof the word "it", which was granted.

Mr. Cooch, on part of the Committee on Phraseology, reported that the Schedule could be ready for submission at the afternoon session.

Motion to adjourn until 2 o'clock, p. m., prevailed.

———

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Murray, on behalf of Committee on Accounts, presented the following report:

The Committee on Accounts, to whom was referred the bill of Guyer & Hardesty, submit the following report:

Resolved, That the President of this Convention be, and

he is hereby authorized to draw his warrant upon the State Treasurer in favor of Guyer & Hardesty, for the sum of four hundred and eighty-one dollars and twenty cents ($481.20), for stenographic reporting.

Mr. Murray moved the report be accepted and resolution adopted,

Which motion Prevailed.

Mr. Cooch presented bill of Committee on Stenographer, and, on his motion, it was referred to the Committee on Accounts.

Mr. Evans, on behalf of the Committee on Stenographer, reported, recommending that one copy of the Stenographic Report be placed with the Secretary of State and one copy with each of the Prothonotaries of New Castle, Kent and Sussex Counties, respectively.

Mr. Spruance moved that the report be laid on the table for further consideration,

Which motion Prevailed.

Mr. Cooch, on part of the Committee on Phraseology and Arrangement, reported the Schedule completed and in the hands of the printer, to be ready for distribution at to-morrow's morning session.

Motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Thursday, May 27, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented a resolution, which, upon his motion, was read, as follows:

Resolved, That the Secretary of the Constitutional Convention and the Secretary of the Committee of the Whole of said Convention, be and they are hereby authorized and directed to have five hundred copies of each of their respective journals of the proceedings of the Convention and the Committee of the Whole of the same printed in octavo, bound together, in long primer or ten point type, so as to contain at least forty-five lines on a page, with the yeas and nays in line in compact form, with an index of the same. The said Secretaries shall immediately after adjournment of the Convention advertise for three weeks in two newspapers of the State for proposals for printing their journal, and shall accept the lowest and most advantageous proposal; when done and approved the Secretaries shall certify to the State Treasurer the sum due, state the price, pages, and all items of charge, which shall be paid by said State Treasurer. The journals shall be distributed as follows: Fifty copies to the Secretary of State's office to be bound and distributed in international exchange; thirty-two copies to the Convention and the remainder to the Prothono-

taries of the several counties equally, to be given to each citizen who may apply for the same.

Mr. Spruance moved the same be referred to Committee on Printing,

Which motion Prevailed.

The following bills were presented:
By Mr. Saulsbury, for James A. Clifton,.....$11.25.
By Mr. Ellegood, for R. H. VanDyke,..... 12.25.
By Mr. Saulsbury, for W. H. Boyce,.....30.00.

Which, upon their respective motions, were referred to the Committee on Accounts.

Mr. Cooch, on part of the Committee on Phraseology and Arrangenment, submitted the printed Schedule, which, upon his motion, was read, as follows:

SCHEDULE.

That no inconvenience may arise from the amendments of the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, as follows:

Section 1. The President of this Convention, immediately on its adjournment, shall deliver the enrolled copy of this amended Constitution to the Secretary of State, who shall file the same in his office, and cause it to be published three times in two newspapers in each county of the State.

Section 2. This amended Constitution shall take effect on the day of in the year one thousand eight hundred and ninety , for all purposes not otherwise provided.

Section 3. The offices of the present Senators and Representatives shall not be vacated or otherwise affected by this amended Constitution, except that the Senators whose terms do not expire on the day of the next general election shall thereafter represent the districts in which they now reside until the end of the terms for which they were elected.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected from each of the even numbered Senatorial Districts in the State, except district Number Two in New Castle county, district Number Four in Kent county, and district Number Two in Sussex county, a Senator for the term of two years, and from each of the odd numbered Senatorial Districts in the State a Senator for the term of four years.

And thereafter, as the said terms shall from time to time expire, a Senator shall be elected from each of the said Senatorial Districts for the full term of four years.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected in each Representative District in the State one Representative for the term of two years.

Section 4. The terms of Senators and Representatives shall begin on the day next after their election.

Section 5. The first general election under this amended Constitution shall be held on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and ninety-eight.

Section 6. The term of office of the present Governor shall not be vacated, or in anywise affected by this amended Constitution.

Section 7. All persons in office in this State at the time this amended Constitution shall take effect shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

Upon the expiration of the term of any person now in office the vacancy shall be filled in the same manner as is provided in this amended Constitution in case of vacancy happening before the expiration of the term of office.

The successors of all persons holding State and county offices heretofore elective or made elective by this amended

Constitution at the time the same shall take effect shall be elected at the general election next before the first Tuesday in January next after the expiration of their terms of office, except in cases otherwise provided for in this amended Constitution or Schedule.

Section 8. The terms of office of all elective State and county officers shall commence on the first Tuesday in January next after their election, unless otherwise provided in this amended Constitution or Schedule.

Section 9. This Constitution as amended, so far as shall concern the judicial department, shall take effect from and after the day of in the year one thousand eight hundred and ninety . All the courts of justice now existing shall continue with their present jurisdiction, and the Chancellor and judges shall continue in office until the said day of in the year one thousand eight hundred and ninety ; upon which day the said courts shall be abolished, and the offices of the said Chancellor and judges shall expire.

All writs of error, and appeals and proceedings which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Errors and Appeals, and all the books, records and papers of said court, shall be transferred to the Supreme Court established by this amended Constitution; and the said writs of error, appeals and proceedings shall be proceeded in the Supreme Court to final judgment, decree or other determination.

All suits, proceedings, and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Superior Court, and all books, records and papers of the said court, shall be transferred to the Superior Court established by this amended Constitution, and the said suits, proceedings and matters shall be proceeded in to final judgment, or determination, in the said Superior Court established by this amended Constitution.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of General Sessions of the Peace and Jail Delivery, shall be transferred to and proceeded in to final judgment and determination in the Court of General Sessions established by this amended Constitution, and all books, records and papers of said Court of General Sessions of the Peace and Jail Delivery shall be transferred to the said Court of General Sessions.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Oyer and Terminer, shall be transferred to and proceeded in to final judgment and determination in the Court of Oyer and Terminer established by this amended Constitution, and all books, records and papers of said Court of Oyer and Terminer shall be transferred to the said Court of Oyer and Terminer established by this amended Constitution

All suits, proceedings and matters which, on the said day of , in the year one thousand eight hundred and ninety , shall be depending in the Court of Chancery, or in the Orphans' Court, and all records, books and papers of said courts respectively, shall be transferred to the Court of Chancery or Orphans' Court respectively, established by this amended Constitution; and the suits, proceedings and matters, shall be proceeded in to final decree, order or other determination.

Section 10. Unless otherwise provided, the Registers' Courts and the jurisdiction of Justices of the Peace shall not be affected by this amended Constitution .

Section 11. If the Chancellor, Chief Justice, or any Associate Judge in office at the time this amended Constitution shall take effect shall not be appointed Chancellor, Chief Justice or Associate Judge under this amended Constitution, he shall be entitled to receive one year's compensation, as now provided by law, after the expiration of his term of service.

Section 12. The first biennial Session of the General Assembly under this amended Constitution shall commence on

the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

Section 13. The provisions of Section 15 of Article II of this amended Constitution relating to the amount of the compensation of the members of the General Assembly and the presiding officers of the respective Houses shall not apply to any adjourned, special or extra session of the General Assembly held prior to the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

Section 14. The provision of Section 1 of Article IX of this amended Constitution that "No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law," shall not take effect until the General Assembly shall enact a general law as provided for in said section.

Section 15. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws.

Section 16. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

Done in Convention, the day of , in the year of our Lord one thousand eight hundred and ninety-seven and of the Independence of the United States of America the one hundrd and twenty-second.

In Testimony Whereof, we have hereunto subscribed our names.

Mr. Cooch moved the report containing the Schedule be referred to the Committee of the Whole,

Which motion **Prevailed.**

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the Schedule report of the Committee on Phraseology and Arrangement,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the Schedule report of the Committee on Phraseology and Arrangement, report progress and ask leave to sit again.

Mr. Dasey moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Ellegood presented bill of Thomas M. Gooden, $21.00, which, upon his motion, was referred to Committee on Accounts.

Mr. Ellegood moved that the Committee on Accounts be increased to 9 members,

Which motion Prevailed.

On motion of Mr. Cooch the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Phraseology and Arrangement on Schedule,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the Schedule report of the Committee on Phraseology and Arrangement, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until to-morrow, 10.30 o'clock, a. m., prevailed.

Friday, May 28, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts recommends the adoption of the following resolution:

Resolved, That the President of the Convention be, and he is hereby authorized to draw warrants upon the State Treasurer as follows: In favor of Charles B. Evans, $15.50, for expenses of Committee in Stenography; in favor of W. D. McGloghlon, $1.50, for repairing; in favor of James S. Godwin, $3.25, for rent of chairs; in favor of Joshua D. Deane, $30.99, for newspapers,

Which, upon Mr. Saulsbury's motion, was accepted and the resolution adopted.

The President announced the following members added to the Committee on Accounts: Evans, Hering and Hearne.

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Phraseology and Arrangement on Schedule,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the report of the Committee on Phraseology and Arrangement on Schedule, report progress and ask leave to sit again.

Mr. Richards moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Saulsbury moved that the Secretary furnish the Secretary of State with six printed copies, properly corrected as amended, of the proposed Constitution of the State of Delaware, at the same time the enrolled copy is to be lodged in his office,

Which motion Prevailed.

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Phraseology and Arrangement on Schedule,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

Mr. Johnson was elected President pro tempore, when Mr. Martin reported that the Committee of the Whole, having had under consideration the report of the Committee on Phrase-

ology and Arrangement on Schedule, report progress and ask leave to sit again.

Mr. Martin moved that the Committee of the Whole have leave to sit again,

Which motion Prevailed.

Mr. Cooch moved that when we adjourn it will be to meet Wednesday next at 10.30 o'clock, a. m.,

Which motion Prevailed.

Mr. Cooch moved that the Secretary be excused for next Wednesday and Thursday,

Which motion Prevailed.

Motion to adjourn until Wednesday at 10.30 o'clock, a. m., prevailed.

Wednesday, June 2, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Phraseology and Arrangement on Schedule,

Mr. Martin in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Martin reported that the Committee of the Whole, having had under consideration the report of the Committee on Phraseology and Arrangement on Schedule, report progress and ask leave to sit again.

Mr. Martin moved that the report be accepted and leave granted,

Which motion Prevailed.

Mr. Murray presented bill of The Delawarean, which, upon his motion, was referred to the Committee on Accounts.

Motion to adjourn until 2.30 o'clock, p. m., prevailed.

Same Day, 2.30 o'clock, p. m.

Convention met pursuant to adjournment.

On motion of Mr. Cooch, the Convention resolved itself into Committee of the Whole for the consideration of the report of the Committee on Phraseology and Arrangement on Schedule,

Mr. Gilchrist in the chair.

After some time spent therein, the Committee of the Whole rose,

The President resumed the chair, when Mr. Gilchrist reported that the Committee of the Whole, having had under consideration the report of the Committee on Phraseology and Arrangement on Schedule, report that they had adopted Sections 1 to 17 inclusive, with the concluding paragraph and recommend their adoption by the Convention.

Mr. Murray moved that the report be accepted,

Which motion Prevailed.

Mr. Spruance moved that 100 copies of the report of the Committee of the Whole on the Schedule be printed,

Which motion Prevailed.

Motion to adjourn to to-morrow at 10.30 o'clock, a. m., prevailed.

Thursday, June 3, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Ellegood presented a bill of Guyer & Hardesty for $315.40, which, upon his motion, was referred to the Committee on Accounts.

Mr. Hering presented a bill of The Delawarean for $18, which, upon his motion, was referred to the Committee on Accounts.

Mr. Ellegood presented, read and moved the adoption of the following resolution:

Resolved, That the Secretary of State be, and he is hereby authorized and directed to have printed, with a proper index and with marginal notes, as soon as possible after the adjournment of the Convention, six thousand copies of this amended Constitution and Schedule, six hundred copies of which shall be bound in cloth or sheep and seven of said bound copies shall be given to each member and the officers of this Convention, five of said bound copies to each member of the General Assembly and to each State officer. The contract for said printing shall be given to the lowest and best bidder.

Mr. Dasey moved to lay the resolution on the table,

Which motion Was Lost.

Mr. Cooch moved to amend the resolution by striking out the words the "Secretary of State" and inserting in lieu thereof the words "Committee on Printing,"

Which motion Was Lost.

Mr. Martin moved to amend the resolution by striking out the words "Secretary of State" and inserting in lieu thereof the words "Secretary of this Convention,"

Which motion Was Lost.

Recurring to the motion to adopt the resolution offered by Mr. Ellegood, it prevailed.

Mr. Cooch presented and read the following report from the Committee on Submitting the Constitution to a vote of the people for ratification:

Dover, Del., June 3, 1897.

To the Convention:

Your Committee to whom was referred the question of "Submitting the Constitution to a vote of the people for ratification," respectfully report, that in its judgment it would be for the best interests of the people of the State that this Convention should promulgate the same.

Respectfully submitted,

J. WILKINS COOCH,
WILSON T. CAVENDER,
CHARLES F. RICHARDS,
Committee.

Mr. Cooch moved that the report be received,

Which motion Prevailed.

Mr. Cooch offered and read the following resolution:

Resolved, That the amended Constitution and Schedule which shall be adopted by this Convention shall be promulgated by this Convention.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Richards, Smithers, Spruance.

Nays—Messrs. Evans, Mr. President.

Before the announcement of the result Messrs. Donahoe, Martin, Sapp and Saulsbury came in the room.

Mr. Cooper moved that the absentees be allowed to record their vote before the result was announced,

Which motion Prevailed.

Whereupon Mr. Donahoe voted nay, Mr. Martin voted nay, Mr. Sapp voted yea, Mr. Saulsbury voted nay.

Mr. Johnson asked permission to change his vote from yea to nay, the permission was granted.

There being 19 yeas and 6 nays the question was decided in the affirmative.

Subsequently Messrs. Bradford, Orr and Pratt recorded their votes yea.

Mr. Cooch moved to take up for consideration the report of the Committee of the Whole on the Schedule,

Which motion Prevailed.

Mr. Cooch moved to adopt the preamble, as follows:

That no inconvenience may arise from the amendments of the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, as follows:

The motion Prevailed.

Mr. Cooch moved to adopt Section 1.

Mr. Cooch moved to insert in line four between the words "and" and "cause" the words "Secretary of this Convention,"

Which motion Prevailed.

Mr. Spruance asked unanimous consent to insert in line three between the words "Constitution" and "to" the words "and Schedule."

The consent was unanimously granted.

Motion to adopt Section 1, as amended, as follows:

Section 1. The President of this Convention, immediately on its adjournment, shall deliver the enrolled copy of this amended Constitution and Schedule to the Secretary of State, who shall file the same in his office, and Secretary of this Convention cause it to be published three times in two newspapers in each county of the State.

Mr. Cooch moved to adopt Section 2, as follows:

Section 2. This amended Constitution shall take effect on the day of in the year one thousand eight hundred and ninety , for all purposes not otherwise provided.

The motion Prevailed.

Mr. Cooch moved to adopt Section 3, as follows:

Section 3. The offices of the present Senators and Representatives shall not be vacated or otherwise affected by this amended Constitution, except that the Senators whose terms do not expire on the day of the next general election shall thereafter represent the districts in which they now reside until the end of the terms for which they were elected.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected from each of the even numbered Senatorial Districts in the State, except district Number Two in New Castle county, district Number Four in Kent county, and district Number Two in Sussex county, a Senator for the term of two years, and from each of the odd numbered Senatorial Districts in the State a Senator for the term of four years.

And thereafter, as the said terms shall from time to time

expire, a Senator shall be elected from each of the said Senatorial Districts for the full term of four years.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected in each Representative District in the State one Representative for the term of two years.

The motion Prevailed.

Mr. Cooch moved to adopt Section 4, as follows:

Section 4. The terms of Senators and Representatives shall begin on the day next after their election.

The motion Prevailed.

Mr. Cooch moved to adopt Section 5, as follows:

Section 5. The first general election under this amended Constitution shall be held on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and ninety-eight.

The motion Prevailed.

Mr. Cooch moved to adopt Section 6, as follows:

Section 6. The term of office of the present Governor shall not be vacated, or in anywise affected by this amended Constitution.

The motion Prevailed.

Mr. Cooch moved to adopt Section 7, as follows:

Mr. Cooper moved to adopt the following for Section 7:

Section 7. Unless otherwise provided by this amended Constitution or Schedule, all persons elected or appointed before this amended Constitution shall take effect, to State or county offices made elective by this amended Constitution, whose terms will expire before the first Tuesday in January, in the year one thousand eight hundred and ninety-nine, shall hold their respective offices until the said last mentioned day; and all persons elected or appointed as aforesaid to such offices,

whose terms will expire between the said first Tuesday in January in the year one thousand eight hundred and ninety-nine and the first Tuesday in January in the year one thousand nine hundred and one, shall hold their respective offices until the said last mentioned day; and all persons elected or appointed as aforesaid to such offices, whose terms will expire between the said first Tuesday in January in the year one thousand nine hundred and one and the first Tuesday in January in the year one thousand nine hundred and three, shall hold their respective offices until the said last mentioned day; and the successors of such persons shall be elected at the general election next before the expiration of the terms as hereby extended.

Mr. Spruance moved to amend Mr. Cooper's motion by adopting the following:

Section —. Unless otherwise provided by this amended Constitution or Schedule, all persons elected or appointed before this amended Constitution shall take effect, to State or county offices made elective by this amended Constitution, shall hold their respective offices until the terms for which they were elected or appointed shall expire; and upon the expiration of said terms the Governor shall fill said offices by appointment, without the consent of the Senate, until the first Tuesday in January next after the general election next after the expiration of said terms; and the successors of the persons so appointed by the Governor shall be elected for the full term at the general election next before the expiration of the terms of the persons so appointed.

Motion to adjourn to 3 o'clock, p. m., to-day, was lost.

Recurring to Mr. Spruance's motion,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Dasey, Gilchrist, Moore, Murray, Richards, Saulsbury, Spruance, Wright.

Nays—Messrs. Carlisle, Cavender, Clark, Cooch, Cooper, Donahoe, Evans, Hearne, Horsey, Hering, Johnson, Martin, Sapp, Smithers, Mr. President.

Yeas, 10; nays, 15.

So the question was decided in the negative, and the motion lost.

Mr. Carlisle moved to amend Mr. Cooper's substitute by adding the following at the end thereof:

Provided, however, that the provisions of this section shall not apply to the present State Treasurer, State Auditor and Insurance Commissioner, who shall be elected at the general election held in November, A. D., 1898, and assume the duties of their respective offices on the first Tuesday in January, A. D., 1899,

Which was Withdrawn.

Mr. Carlisle moved to adjourn to 2 o'clock, p. m., to-day.

Mr. Cavender moved to amend by making it 3 o'clock,

Which motion Prevailed.

Recurring to the original motion as amended, it was lost.

Motion to adjourn to 2 o'clock, p. m., to-day, prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Donahoe presented and read the following report and resolution:

Dover, Del., June 3, 1897.

Mr. President and gentlemen of the Convention:

The Committee on Furniture, &c., beg leave to submit the following:

Resolved, That any member of this Convention who desires to retain the desks and chairs now used by them, may do so by paying the sum of $5 to the State Librarian, who is the

custodian for the State property; said amounts so paid to him for such articles shall be by him paid to the State Treasurer.

Mr. Donahoe moved to adopt the resolution.

Mr. Carlisle moved to strike out the words "five dollars" and insert the words "one half price,"

Which motion Was Lost.

Recurring to Mr. Donahoe's motion, it was lost.

Mr. Wright asked unanimous consent to record his vote on promulgating this Constitution. Consent was unanimously granted and on his name being called he voted yea.

Recurring to the substitute for Section 7 offered by Mr. Cooper Mr. Carlisle offered the following amendment to be added at the end:

Provided, however, that the successors of the present State Auditor, State Treasurer and Insurance Commissioner shall be elected at the general election next preceding the expiration of their several terms of office and the persons so elected shall enter upon the duties of their respective offices on the first Tuesday in January following their election. The officers whose terms of office are extended by this section shall renew their official obligations upon the expiration of their present terms.

Mr. Saulsbury moved that the proposition be divided and voted on,

Which motion Prevailed.

And the last part was adopted.

The first part was then voted on and adopted.

On the question of adopting the substitute as amended, for Section 7, it was adopted.

Mr. Cooch moved to adopt Section 8, as follows:

Section 8. The terms of office of all State and county offices made elective by this amended Constitution shall com-

mence on the first Tuesday in January next after their election, unless otherwise provided in this amended Constitution or Schedule.

The motion Prevailed.

Mr. Cooch moved to adopt Section 9.

Mr. Spruance moved to strike out lines one, two, three and four to the word "all,"

Which motion Prevailed.

Motion to adopt Section 9, as amended, as follows:

Section 9. All the courts of justice now existing shall continue with their present jurisdiction, and the Chancellor and judges shall continue in office until the said day of in the year one thousand eight hundred and ninety ; upon which day the said courts shall be abolished, and the offices of the said Chancellor and judges shall expire.

All writs of error, and appeals and proceedings which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Errors and Appeals, and all the books, records and papers of said court, shall be transferred to the Supreme Court established by this amended Constitution; and the said writs of error, appeals and proceedings shall be proceeded in the said Supreme Court to final judgment, decree or other determination.

All suits, proceedings, and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Superior Court, and all books, records and papers of the said court, shall be transferred to the Superior Court established by this amended Constitution, and the said suits, proceedings and matters shall be proceeded in to final judgment, or determination, in the said Superior Court established by this amended Constitution.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of

General Sessions of the Peace and Jail Delivery, shall be transferred to and proceeded in to final judgment and determination in the Court of General Sessions established by this amended Constitution, or be otherwise disposed of by the Court of General Sessions and all books, records and papers of said Court of General Sessions of the Peace and Jail Delivery shall be transferred to the said Court of General Sessions.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Oyer and Terminer, shall be transferred to and proceeded in to final judgment and determination in the Court of Oyer and Terminer established by this amended Constitution, and all books, records and papers of said Court of Oyer and Terminer shall be transferred to said Court of Oyer and Terminer established by this amended Constitution.

All suits, proceedings and matters which, on the said day of , in the year one thousand eight hundred and ninety , shall be depending in the Court of Chancery, or in the Orphans' Court, and all records, books and papers of said courts respectively, shall be transferred to the Court of Chancery or Orphans' Court respectively, established by this amended Constitution; and the suits, proceedings and matters, shall be proceeded in to final decree, order or other determination.

The motion Prevailed.

Mr. Cooch moved to adopt Section 10.

Mr. Spruance moved to insert in line two, between the words "first" and "appointed" the words "to be,"

Which motion Prevailed.

Motion to adopt, as amended, Section 10, as follows:

Section 10. The Chancellor, Chief Justice and Associate Judges first to be appointed under this amended Constitution, shall be appointed by the Governor without the consent of the Senate, for the term of twelve years; and the persons so appointed shall enter upon the discharge of the duties of their re-

spective offices upon taking the oath of office prescribed by this amended Constitution.

The motion Prevailed.

Mr. Cooch moved to adopt Section 11, as follows:

Section 11. Unless otherwise provided, the Registers' Courts and the jurisdiction of Justices of the Peace shall not be affected by this amended Constitution.

The motion Prevailed.

Mr. Cooch moved to adopt Section 12.

Mr. Spruance moved to strike out of lines five and six the words "one-half year's compensation as now provided by law" and insert in lieu thereof the words "the sum of fifteen hundred dollars per annum payable quarterly."

Mr. Johnson moved to amend Mr. Spruance's motion by striking out the words "fifteen hundred dollars" and inserting in lieu thereof the words "one thousand dollars,"

Which motion Was Lost

Recurring to Mr. Spruance's motion, it prevailed.

Section 12 was then adopted, as follows:

Section 12. If the Chancellor, Chief Justice, or any Associate Judge in office at the time this amended Constitution shall take effect shall not be appointed Chancellor, Chief Justice or Associate Judge under this amended Constitution, he shall be entitled to receive the sum of fifteen hundred dollars per annum, payable quarterly, for five years, after the expiration of his office, if he shall so long live.

Mr. Cooch moved to adopt Section 13, as follows:

Section 13. The first biennial Session of the General Assembly under this amended Constitution shall commence on the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

The motion Prevailed.

Mr. Cooch moved to adopt Section 14, as follows:

Section 14. The provisions of Section 15 of Article II of this amended Constitution relating to the amount of the compensation of the members of the General Assembly and the presiding officers of the respective Houses shall not apply to any adjourned, special or extra session of the General Assembly held prior to the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

The motion Prevailed.

Mr. Cooch moved to adopt Section 15, as follows:

Section 15. Until the General Assembly shall enact a general law as provided for in Section 1 of Article IX, of this amended Constitution, existing corporations may be renewed for a period not exceeding four years without change or enlargement of their corporate powers or duties in the manner lawful before this amended Constitution shall take effect.

The motion Prevailed.

Mr. Cooch moved to adopt Section 16, as follows:

Section 16. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws.

The motion Prevailed.

Mr. Cooch moved to adopt Section 17, as follows:

Section 17. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

The motion Prevailed.

Mr. Spruance moved the following additional sections to the Schedule, and that Section 17 of the Schedule, as reported, Section 19:

Section 16. Until the General Assembly shall otherwise

provide, guardians' accounts shall be filed with and be adjusted and settled by the Register of Wills for the county, and be subject to exception, hearing, adjustment and settlement in the Orphans' Court for the county as before this amended Constitution took effect.

Section 17. Unless otherwise provided by this amended Constitution or Schedule the terms of persons holding public offices to which they have been elected or appointed at the time this amended Constitution and Schedule shall take effect, shall not be vacated or otherwise affected thereby.

Section 18. One or more vacancies in the Board of Pardons shall not invalidate any act of the remaining members of said board, not less than three in number.

The motion Prevailed.

Mr. Cooch moved to adopt the last clause, as follows:

Done in Convention, the day of , in the year of our Lord one thousand eight hundred and ninety-seven and of the Independence of the United States of America the one hundred and twenty-first.

In Testimony Whereof, we have hereunto subscribed our names.

The motion Prevailed.

Mr. Cooch moved to adopt Sections 1 to 20, including the last clause of the Schedule,

Which motion Prevailed.

Mr. Cooch moved that the Secretary of this Convention have the Schedule enrolled,

Which motion Prevailed.

Mr. Martin asked and received unanimous consent to offer the following as an additional section:

All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, jour-

nals, official reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law. Such bids shall be opened in the presence of the persons making the bids or their representatives.

No member or officer of any department of the government shall be in any way interested in any such contract when awarded to or by such member, officer or department.

Mr. Spruance moved that the vote by which Article XV, title Miscellaneous, was adopted, be reconsidered,

Which motion Prevailed.

Mr. Martin moved that the section offered by him be an additional section to Article XV,

Which motion Prevailed.

Mr. Spruance moved that the section be Section 8 of Article XV, and that Section 8 heretofore be Section 9,

Which motion Prevailed.

Mr. Martin moved that Sections 1 to 9 inclusive, be adopted as a whole, to be Article XV, title Miscellaneous,

Which motion Prevailed.

Mr. Evans moved that the words "for the use of the county where such registration fee is paid" be added at the end of line twenty-one, Section 3, Article V, title Elections,

Which motion Prevailed.

Mr. Cooch presented a bill of Clarke & McDaniel for $14.39, which, upon his motion, was referred to the Committee on Accounts.

Mr. Spruance moved that the Committee on Printing have 50 copies of the amendments to the Schedule printed,

Which motion Prevailed.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer as follows: In favor of Thomas M. Gooden, postmaster, $21.00, for stamps; in favor of Guyer & Hardesty, $285.40, for stenographic reporting.

Mr. Evans moved that the report be accepted,

Which motion Prevailed.

Mr. Cooper moved that any member who desires to purchase his desk and chair can do so upon the payment of two-thirds of the cost price to the Librarian who shall pay the same to the State Treasurer.

Mr. Cooch moved to amend the motion by making it read "desk or chair,"

Which motion Was Lost.

Recurring to Mr. Cooper's motion, it prevailed.

Mr. Evans moved that the report of the Committee on Stenographer be taken from the table for consideration,

Which motion Prevailed.

Mr. Cooch offered the following resolution:

Resolved, That the Committee on Stenographers be and it is hereby instructed to deliver to the Secretary of State the four copies of stenographic reports of the proceedings of this Convention. That the said Secretary of State is hereby requested to keep one of the said copies in his office; to deposit one of the said copies with the State Librarian, and he is further requested to deposit one of the said copies with the Farmers Bank of the State of Delaware at Georgetown, for safe keeping, and to deposit one of the said copies with the

Equitable Guarantee and Trust Company in Wilmington for safe keeping. Subject to the order of the General Assembly.

Mr. Evans moved the adoption of the resolution,

Which motion Prevailed.

Mr. Cooch offered the following resolution:

Resolved, That the Secretary of the Convention be, and he hereby is authorized to deliver to Frank M. Jones, one of the copies of the stenographic report of the proceedings of the Convention and the Committee of the Whole, and take from him an approved bond in the sum of five hundred dollars ($500.00), for its safe keeping.

Resolved further, That the said Frank M. Jones is hereby authorized by this Convention, to print in book form the said stenographic report, without expense to the State. He is to deliver to the Secretary of State, as soon as printed, ten (10) copies of said printed report, to be the property of the State of Delaware, and to be distributed among the three counties of the State as the Secretary of State may determine.

Provided, however, that if the said printed report be not completed within the term of three (3) years, the authority hereby granted to the said Frank M. Jones, to print the said stenographic report, shall become void and be revoked. So soon as the said report shall have been printed, the copy herein ordered to be delivered by the Secretary of the Convention to the said Frank M. Jones, shall be by him delivered to the Secretary of State, and the obligation given for its safe keeping, shall become null and void.

Mr. Spruance moved that the resolution be laid on the table,

Which motion Prevailed.

Motion to adjourn to 10.30 o'clock, a. m., to-morrow, prevailed.

Friday, June 4, 1897.
10.30 o'clock, a. m.

Convention met pursuant to adjournment.

Prayer by the Rev. J. H. Beauchamp.

Roll called. Members present: Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright, Mr. President.

Journal read and approved.

Mr. Murray, from the Committee on Accounts, submitted the following report:

The Committee on Accounts recommends the adoption of the following resolution:

Resolved, that the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer for printing and supplies on account of the contingent expenses of the Convention as follows: in favor of The Delawarean, $668.75; in favor of The Dover Index, $80.00; in favor of the Sussex Republican, $16.00; in favor of the State Sentinel Printing Co., $3.00.

Mr. Gilchrist moved that the report be received and the resolution adopted,

Which motion Prevailed.

Mr. Saulsbury presented bill of C. R. Jones, which, upon his motion, was referred to the Committee on Accounts.

Mr. Hering presented bill of The Delawarean, which, upon his motion, was referred to the Committee on Accounts.

Mr. Spruance asked unanimous consent to amend Section 3, Article IV, title Judiciary, by striking out the word "and" in line four , and make an "I" for the word "If" in line five and to insert the following after the word "years" in line four:

"Provided, however, that the Chancellor, Chief Justice and Associate Judges first to be appointed under this amended Constitution, shall be appointed by the Governor without the consent of the Senate, for the term of twelve years; and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath prescribed by this amended Constitution."

And that Section 10 of the Schedule be stricken out. That Section 11 of the Schedule be Section 10 and the other sections numbered consecutively.

Unanimous consent was granted.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer for supplies and services on account of the contingent expenses of the Convention as follows: in favor of Clarke & McDaniel, $14.39; in favor of James A. Clifton, $11.25; in favor of Robert H. VanDyke, $12.25; in favor of William H. Boyce, $30.00; in favor of Richard B. Cooper, $200.00.

Mr. Saulsbury moved that the report be received and resolution adopted,

Which motion Prevailed.

Mr. Cooch moved to take up for consideration the Schedule.

The motion Prevailed.

Mr. Cooch moved that Section 2 be amended by inserting in the blanks the words "tenth day of June in the year one thousand eight hundred and ninety-seven."

Mr. Cooch moved to adopt Section 2, as amended, as follows:

Section 2. This amended Constitution shall take effect on the tenth day of June in the year one thousand eight hundred and ninety-seven, for all purposes not otherwise provided.

The motion Prevailed.

Mr. Cooper asked unanimous consent to strike out the word "said" in line seven, Section 9,

Which consent was unanimously granted.

Mr. Cooch moved that Section 9 be amended by inserting in all the blanks the words "the tenth day of June in the year one thousand eight hundred and ninety-seven."

The motion Prevailed.

Mr. Cooch moved to adopt, as amended, Section 9, as follows:

Section 9. All the courts of justice now existing shall continue with their present jurisdiction, and the Chancellor and judges shall continue in office until the said tenth day of June in the year one thousand eight hundred and ninety-seven; upon which day the said courts shall be abolished, and the offices of the said Chancellor and judges shall expire.

All writs of error, and appeals and proceedings which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of Errors and Appeals, and all the books, records and papers of said court, shall be transferred to the Supreme Court established by this amended Constitution; and the said writs of error, appeals and proceedings shall be proceeded in the said Supreme Court to final judgment, decree or other determination.

All suits, proceedings, and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Superior Court, and all books, records and papers of the said court, shall be transferred to the Superior Court established by this amended Constitution, and the said suits, proceedings and matters shall be proceeded in to final judgment, or determination, in the said Superior Court established by this amended Constitution.

All indictments, proceedings and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of General Sessions of the Peace and Jail Delivery, shall be transferred to and proceeded in to final judgment and determination in the Court of General Sessions established by this amended Constitution, or be otherwise disposed of by the Court of General Sessions, and all books, records and papers of said Court of General Sessions of the Peace and Jail Delivery shall be transferred to the said Court of General Sessions.

All indictments, proceedings and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of Oyer and Terminer, shall be transferred to and proceeded in to final judgment and determination in the Court of Oyer and Terminer established by this amended Constitution, and all books, records and papers of said Court of Oyer and Terminer shall be transferred to the said Court of Oyer and Terminer established by this amended Constitution

All suits, proceedings and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of Chancery, or in the Orphans' Court, and all records, books and papers of said courts respectively, shall be transferred to the Court of Chancery or Orphans' Court respectively, established by this amended Constitution; and the suits, proceedings and matters, shall be proceeded in to final decree, order or other determination.

The motion Prevailed.

Mr. Bradford asked unanimous consent to strike out the words "for all purposes not otherwise provided" in lines three and four, Section 2, of the Schedule.

Unanimous consent was granted.

Mr. Cooch moved to adopt, as amended, Sections 1 to 19 of the Schedule.

The motion Prevailed.

Mr. Cooch reported that the Committee on Phraseology and Arrangement had completed its labors and that the Constitution was enrolled.

Whereupon the reading of the enrolled Constitution was commenced.

Motion to adjourn until 2 o'clock, p. m., prevailed.

Same Day, 2 o'clock, p. m.

Convention met pursuant to adjournment.

Mr. Murray, from the Committee on Accounts, submitted the following report:

The Committee on Accounts recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer on account of the contingent expenses of the Convention as follows: in favor of Thomas Rossiter, $86.00, for printing; in favor of The Delawarean, $5.00, for printing; in favor of Peter C. Gruwell, $100.00 for services; in favor of Guyer & Hardesty, $348.60, for stenographic reporting; in favor of Charles R. Jones, $250.00, for enrolling and paying of help.

Mr. Murray moved that the report be accepted and the resolution adopted,

Which motion Prevailed.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts finds the amounts named in the accompanying resolution due members of the Convention on account of compensation, in addition to the sums for which warrants have already been drawn, and the committee recommends the adoption of the following resolution:

Resolved, That the President of the Convention be and he is hereby authorized to draw warrants upon the State Treasurer in favor of the members of the Convention on account of compensation, as follows:

John Biggs,	$466.40
Martin B. Burris,	270.90
William C. Spruance,	278.40
Elias N. Moore,	273.00
Edward G. Bradford,	237.90
Andrew L. Johnson,	278.40
John P. Donahoe,	278.40
Robert G. Harman,	578.40
Charles B. Evans,	578.40
J. Wilkins Cooch,	276.00
Wilson T. Cavender,	261.60
William Saulsbury,	258.00
Ezekiel W. Cooper,	258.90
Louder L. Sapp,	269.10
Nathan Pratt	272.10
David S. Clark,	262.50
William T. Smithers,	258.00
George H. Murray	261.00
Paris T. Carlisle, Jr.	269.40
John W. Hering,	572.10
Joshua A. Ellegood,	323.90
Andrew J. Horsey,	276.90
Robert W. Dasey,	280.80
Edward D. Hearne,	276.30
Woodburn Martin,	275.40
Charles F. Richards,	276.30
James B. Gilchrist,	272.10
William P. Orr, Jr.,	280.80

William A. Cannon,..... 329.90
Isaac K. Wright,..... 274.50

Mr. Saulsbury moved that the report be accepted and the resolution adopted,

Which motion Prevailed.

Mr. Saulsbury, from the Committee on Accounts, submitted the following report:

The Committee on Accounts recommends the allowances named in the accompanying resolution to the officers of the Convention and of the Committee of the Whole, in addition to the sums for which warrants have already been drawn:

Resolved, That the President of the Convention be authorized to draw warrants upon the State Treasurer in favor of officers of the Convention, as follows:

Charles R. Jones,.....$1600.00
Morgan T. Gum,..... 1500.00
Daniel V. Hutchins, ... 350.00
Rev. Walter E. Avery,..... 75.00
Arthur Hutchins, ... 75.00

Mr. Spruance moved the acceptance of the report and the resolution adopted,

Which motion Prevailed.

The reading of the enrolled copy of the Constitution was resumed and finished.

Mr. Spruance moved to insert in the concluding clause the words "the fourth day of June one thousand eight hundred and ninety-seven,"

Which motion Prevailed.

Mr. Cooch moved that the enrolled amended Constitution and Schedule, as just read, be adopted as a whole,

Which motion prevailed unanimously.

And the Constitution and Schedule were adopted, as follows:

CONSTITUTION
of the
STATE OF DELAWARE.

WE, THE PEOPLE, HEREBY ORDAIN AND ESTABLISH THIS CONSTITUTION OF GOVERNMENT FOR THE STATE OF DELAWARE.

PREAMBLE.

Through Divine goodness, all men have by nature the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their Constitution of government.

ARTICLE I.

BILL OF RIGHTS.

Section 1. Although it is the duty of all men frequently to assemble together for the public worship of Almighty God; and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

Section 2. No religious test shall be required as a qualification to any office, or public trust, under this State.

Section 3. All elections shall be free and equal.

Section 4. Trial by jury shall be as heretofore.

Section 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

Section 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.

Section 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself, nor shall he be deprived of life, liberty or property, unless by the judgment of his peers or by the law of the land.

Section 8. No person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.

Section 9. All courts shall be open; and every man for an injury done him in his reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of the cause and the law of the land, without sale, denial, or unreasonable delay or expense; and every action shall be tried in the county in which it shall be commenced, unless when the judges of the court in which the cause is to be tried shall determine that an impartial trial thereof cannot be had in that county. Suits may be brought against the State, according to such regulations as shall be made by law.

Section 10. No power of suspending laws shall be exercised but by authority of the General Assembly.

Section 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the construction of jails a proper regard shall be had to the health of prisoners.

Section 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is positive or the presumption great; and when persons are confined on accusation for such offences their friends and counsel may at proper seasons have access to them.

Section 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Section 14. No commission of oyer and terminer, or jail delivery, shall be issued.

Section 15. No attainder shall work corruption of blood, nor except during the life of the offender forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident no forfeiture shall thereby be incurred.

Section 16. Although disobedience to laws by a part of the people, upon suggestions of impolicy or injustice in them, tends by immediate effect and the influence of example not only to endanger the public welfare and safety, but also in

governments of a republican form contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right in an orderly manner to meet together, and to apply to persons intrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.

Section 17. No standing army shall be kept up without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

Section 18. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in manner to be prescribed by law.

Section 19. No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this State shall accept of any office or title of any kind whatever from any king, prince, or foreign state.

WE DECLARE THAT EVERY THING IN THIS ARTICLE IS RESERVED OUT OF THE GENERAL POWERS OF GOVERNMENT HEREINAFTER MENTIONED.

ARTICLE II.

LEGISLATURE.

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of thirty-five members, who shall be chosen for two years.

The Senate shall be composed of seventeen members, who shall be chosen for four years.

The State is hereby divided into thirty-five Representative Districts, from each of which shall be chosen, by the qualified electors thereof, one Representative. In New Castle County there shall be fifteen Representative Districts, numbered from one to fifteen inclusive; in Kent County, ten Representative Districts, numbered from one to ten inclusive; and in Sussex County, ten Representative Districts, numbered from one to ten inclusive. The State is also hereby divided into seventeen Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. In New Castle County there shall be seven Senatorial Districts, numbered from one to seven inclusive; in Kent County, five Senatorial Districts, numbered from one to five inclusive: and in Sussex County, five Senatorial Districts, numbered from one to five inclusive.

The Representative Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington included within the Second and Fourth Wards, and those parts of the Sixth and Eighth Wards, respectively, lying south of and bounded by the central line of Eighth street.

Number Two. All that portion of the said city included within the Ninth Ward, and those parts of the Sixth and Eighth Wards, respectively, lying north of and bounded by the central line of Eighth street.

Number Three. All that portion of the said city included within the Seventh Ward, and that part of the Fifth Ward lying north of and bounded by a straight line including the central line of Eighth street.

Number Four. All that portion of the said city included within the First and Third Wards, and that part of the Fifth Ward lying south of and bounded by the central line of Eighth street, east of and bounded by the central line of Adams street, and west of and bounded by the central line of Market street.

Number Five. All that portion of the said city included within the Tenth, Eleventh and Twelfth Wards, and that part of the Fifth Ward lying south of and bounded by a straight line including the central line of Eighth street, west of and

bounded by the central line of Adams street, and bounded on the west by the westerly boundary line of the said city.

Number Six. Brandywine Hundred.

Number Seven. Christiana Hundred.

Number Eight. Mill Creek Hundred.

Number Nine. White Clay Creek Hundred.

Number Ten. New Castle Hundred.

Number Eleven. Pencader Hundred.

Number Twelve. Red Lion Hundred.

Number Thirteen. St. Georges Hundred.

Number Fourteen. Appoquinimink Hundred.

Number Fifteen. Blackbird Hundred.

The Representative Districts in Kent County are and shall be as follows:

Number One. Duck Creek Hundred.

Number Two. Little Creek Hundred and the First Election District of East Dover Hundred.

Number Three. Kenton Hundred.

Number Four. West Dover Hundred and all that portion of East Dover Hundred lying next to West Dover Hundred and separated from the rest of East Dover Hundred by the following boundary lines: beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along the middle of the said road to the Horsehead road, thence running in a westerly direction along the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazlettville, known as the Hazlettville road, thence running along the middle of the said short road from the Horsehead road to the said Hazlettville road, thence running in a westerly direction

along the middle of the said Hazlettville road a short distance to the road leading therefrom to Wyoming, thence running along the middle of the said road leading from the said Hazlettville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred.

Number Five. All that portion of East Dover Hundred not included in Districts numbers two and four.

Number Six. Parts of North Murderkill, South Murderkill and Mispillion Hundreds included within the following boundary lines: beginning at the intersection of the southern line of South Murderkill Hundred with the State of Maryland, thence running along the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direction along the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's Branch, thence running in an easterly direction with the course of said branch to the Delaware railroad, thence running in a northerly direction along said Delaware railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to Whiteleysburg, thence running in a northeasterly direction along the middle of the said public road from Felton to Whiteleysburg to the Owl's Nest road, thence running in a

northerly direction along the middle of the said Owl's Nest road to the intersection of the Cowgill road from Woodside to Petersburg, thence running in a northeasterly direction along the middle of the said Cowgill road to the Reed road running from Woodside to DuPont's school house, thence running in a northwesterly direction along the middle of the said Reed road to DuPont's school house, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from DuPont's school house to the Almshouse to Gray's corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the State of Maryland, thence running in a southerly direction along the eastern boundary line of the State of Maryland to the place of beginning.

Number Seven. All that portion of North Murderkill Hundred not included in District number six.

Number Eight. All that portion of South Murderkill Hundred not included in District number six.

Number Nine. All that portion of Mispillion Hundred not included in District number six.

Number Ten. Milford Hundred.

The Representative Districts in Sussex County are and shall be as follows:

Number One. Cedar Creek Hundred.

Number Two. All that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' Mills, to its mouth being at the head of

Middleford Mill Pond; together with North West Fork Hundred.

Number Three. All that portion of Nanticoke Hundred which lies south and east of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond; together with Seaford Hundred.

Number Four. Broad Creek Hundred.

Number Five. Little Creek Hundred.

Number Six. Dagsboro and Gumboro Hundreds.

Number Seven. Baltimore Hundred.

Number Eight. Indian River Hundred.

Number Nine. Georgetown Hundred.

Number Ten. Broadkiln and Lewes and Rehoboth Hundreds.

The Senatorial Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington lying north of and bounded by a straight line including the central line of Eighth street extending from the Delaware River to the westerly boundary of the said city.

Number Two. All that portion of the said city lying south of and bounded by the straight line aforesaid including the central line of Eighth street.

Number Three. Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and bounded by the central line of the Lancaster Turnpike.

Number Four. Mill Creek Hundred, together with all that portion of Christiana Hundred lying south of and bounded by the central line of the Lancaster Turnpike.

Number Five. White Clay Creek Hundred, Red Lion Hundred and New Castle Hundred.

Number Six. Pencader Hundred and St. Georges Hundred.

Number Seven. Appoquinimink Hundred and Blackbird Hundred.

The Senatorial Districts in Kent County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and seventh Representative Districts.

Number Four. The sixth and ninth Representative Districts.

Number Five. The eighth and tenth Representative Districts.

The Senatorial Districts in Sussex County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and sixth Representative Districts.

Number Four. The seventh and eighth Representative Districts.

Number Five. The ninth and tenth Representative Districts.

All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the Representative Districts in New Castle County as follows:

All lying east of a straight line including the central line of Market street, below Eighth street, as the said two streets now exist, and south of a straight line including the central line of Eighth street, as the same now exists, shall become part of Representative District number one.

All lying north of a straight line including the central line of Eighth street, as the same now exists, extending from the northeasterly side of Brandywine Creek to the Delaware River, or north of the Brandywine Creek, westwardly from the point of intersection of the said straight line with the northeasterly side of the said creek, shall become part of Representative District number two.

All lying north of a straight line including the central line of Eighth street, as the same now exists, south of the Brandywine Creek, and west of the central line of Market street, as the same now exists, shall become part of Representative District number three.

All lying between a straight line including the central line of Market street extended southerly and a straight line including the central line of Washington street extended southerly shall become part of Representative District number four.

All lying south of a straight line including the central line of Eighth street, as the same now exists, and west of a straight line including the central line of Washington street, as the same now exists, shall become part of Representative District number five.

In case of any change in the boundary line between this State and the State of Pennsylvania any of the said Senatorial and Representative Districts in New Castle County affected thereby shall conform to any new boundary line between the said States.

All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the Senatorial Districts in New Castle County as follows:

All lying north of a straight line including the central line of Eighth street, extended from the Delaware River westwardly, shall become part of Senatorial District number one.

All lying south of a straight line including the central line of Eighth street, extended from the Delaware River westwardly, shall become part of Senatorial District number two.

Whenever by the extension of the limits of the City of Wilmington territory forming part of any Representative or Senatorial District, as hereby established, shall be included within the limits of the said city, such Representative or Senatorial District shall thereafter consist of the residue thereof, not so included within said limits.

The several Representative and Senatorial Districts in the State shall, except as herein otherwise provided, continue to be bounded, described and defined by the lines of the hundreds, wards, election district, public roads, railroad and other boundaries herein mentioned, as the same are now established and located.

Section 3. No person shall be a Senator who shall not have attained the age of twenty-seven years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Senatorial District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State. No person shall be a Representative who shall not have attained the age of twenty-four years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Representative District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, and at such other times as the Governor shall convene the same.

Section 5. The General Assembly shall meet and sit in Dover, the capital of the State; provided, however, that in case of insurrection, conflagration or epedemic disease the General Assembly may temporarily meet and sit elsewhere.

Section 6. Whenever there shall be a vacancy in either House of the General Assembly, by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election

shall be issued by the presiding officer of the House in which the vacancy exists, or in cases of necessity in such other manner as shall be provided by law; and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term. And whenever there shall be such vacancy in either House, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy, which writ shall be executed as a writ issued by the presiding officer of either House in case of vacancy, and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term.

Section 7. The Senate at each biennial session shall choose one of its members President pro tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor or while he continues in the exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers, and in the absence of the Lieutenant Governor and its President pro tempore may, from time to time as occasion may require, appoint one of its members to preside. The House of Representatives shall choose one of its members Speaker and also choose its other officers, and in the absence of the Speaker may, from time to time as occasion may require, appoint one of its members to preside.

Section 8. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of all the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

Section 9. Each House may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected thereto expel a member, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Section 10. Each House shall keep a journal of its proceedings, and publish the same immediately after every session,

except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor without the concurrence of a majority of all the members elected to each House.

Section 11. The doors of each House, and of Committees of the Whole, shall be open unless when the business is such as ought to be kept secret.

Section 12. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 13. The Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Section 14. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, attorneys-at-law and officers in the militia, holding no disqualifying office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

Section 15. The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of five dollars, and the presiding officers a per diem allowance of six dollars, for each day of the session, not exceeding sixty days; and should they remain longer in sesion they shall serve

without compensation. In case a special or extra session of the General Assembly be called the members and presiding officers shall receive like compensation for a period not exceeding thirty days.

The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be paid out of the treasury of the State.

The cost to the State for stationery and other supplies for each member of the General Assembly shall not exceed the sum of twenty-five dollars for any regular session, or the sum of ten dollars for any special session.

Section 16. No bill or joint resolution, except bills appropriating money for public purposes, shall embrace more than one subject, which shall be expressed in its title.

Section 17. Lotteries, the sale of lottery tickets, pool-selling and all other forms of gambling are prohibited in this State. The General Assembly shall enforce this section by appropriate legislation.

Section 18. No divorce shall be granted, nor alimony allowed, except by the judgment of a court, as shall be prescribed by general and uniform law.

Section 19. The General Assembly shall not pass any local or special law relating to fences; the straying of live stock; ditches; the creation or changing the boundaries of school districts; or the laying out, opening, alteration, maintenance or vacation, in whole or in part, of any road, highway, street, lane or alley.

Section 20. Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon.

Section 21. No person who shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.

Section 22. Every person who shall give, offer or promise, directly or indirectly, any money, testimonial, privilege, personal advantage or thing of value to any executive or judicial officer of this State or to any member of either House of the General Assembly for the purpose of influencing him in the performance of any of his official or public duties shall be deemed guilty of bribery, and shall be punished in such manner as shall be provided by law.

Section 23. Every statute shall be a public law unless otherwise declared in the statute itself.

Section 24. The State Treasurer shall settle his accounts annually with the General Assembly or a joint committee thereof, which shall be appointed at every biennial session. No person who has served in the office of State Treasurer shall be eligible to a seat in either House of the General Assembly until he shall have made a final settlement of his accounts as treasurer and discharged the balance, if any, due thereon.

ARTICLE III.

EXECUTIVE.

Section 1. The supreme executive powers of the State shall be vested in the Governor.

Section 2. The Governor shall be chosen by the qualified electors of the State, once in every four years, at the general election.

Section 3. The returns of every election for Governor shall be sealed up, and immediately transmitted to the President of the Senate, or in case of a vacancy in the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county. The person having the highest number of votes shall be Governor; but if two or more shall be equal in the highest number of votes, the members of the two Houses shall, by joint ballot,

choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the President of the Senate shall have the casting vote.

Section 4. Contested elections of the Governor or Lieutenant Governor shall be determined by a joint committee, consisting of one-third of all the members elected to each House of the General Assembly, to be selected by ballot of the Houses respectively. Every member of the committee shall take an oath or affirmation that in determining the said election he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice, or, in case of his absence or disability, the Chancellor shall preside at the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial.

Section 5. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election; and shall not be elected a third time to said office.

Section 6. The Governor shall be at least thirty years of age, and have been a citizen and inhabitant of the United States twelve years next before the day of his election, and the last six years of that term an inhabitant of this State, unless he shall have been absent on public business of the United States or of this State.

Section 7. The Governor shall, at stated times, receive for his services an adequate salary to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

Section 8. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

Section 9. He shall have power, unless herein otherwise provided, to appoint, by and with the consent of a majority of all the members elected to the Senate, such officers as he is or may be authorized by this Constitution or by law to appoint. He shall have power to fill all vacancies that may

happen during the recess of the Senate, in offices to which he may appoint, except in the offices of Chancellor, Chief Justice and Associate Judges, by granting commissions which shall expire at the end of the next session of the Senate.

He shall have power to fill all vacancies that may happen in elective offices, except in the offices of Lieutenant Governor and member of the General Assembly, by granting commissions which shall expire when their successors shall be duly qualified.

In case of vacancy in an elective office, except as aforesaid, a person shall be chosen to said office for the full term at the next general election, unless the vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

Unless herein otherwise provided, confirmation by the Senate of officers appointed by the Governor shall be required only where the salary, fees and emoluments of office shall exceed the sum of five hundred dollars annually.

Section 10. The Governor shall appoint, by and with the consent of a majority of all the members elected to the Senate, a Secretary of State, who shall hold office during the pleasure of the Governor. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either House of the General Assembly, lay the same, and all papers, minutes and vouchers, relative thereto, before such House, and shall perform such other duties as shall be enjoined upon him by law. He shall have a compensation for his services to be fixed by law.

Section 11. No person shall be elected or appointed to an office within a county who shall not have a right to vote for a Representative in the General Assembly, and have been a resident therein one year next before his election or appointment, nor hold the office longer than he continues to reside in the county, unless herein otherwise provided.

No member of Congress, nor any person holding or exercising any office under the United States, except officers

usually appointed by the courts of justice respectively and attorneys-at-law, shall at the same time hold or execise any office of profit under this State, unless herein otherwise provided.

No person shall hold more than one of the following offices at the same time, to wit: Secretary of State, Attorney-General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

Section 12. All commissions shall be in the name of the State, and shall be sealed with the great seal and signed by the Governor.

Section 13. The Governor may for any reasonable cause remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each House of the General Assembly. Whenever the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

Section 14. The Governor may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Section 15. He shall, from time to time, give to the General Assembly information of affairs concerning the State and recommend to its consideration such measures as he shall judge expedient.

Section 16. He may on extraordinary occasions convene the General Assembly by proclamation; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

Section 17. He shall take care that the laws be carefully executed.

Section 18. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law; but in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly, unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor: and before the same shall take effect be approved by him, or, being disapproved by him, shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

Section 19. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as the Governor; he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

The Lieutenant Governor while acting as President of the Senate, or as a member of the Board of Pardons, whenever attending the sessions of said board shall receive for his services the same compensation per day as the Speaker of the House of Representatives.

Section 20. In case the person elected Governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant Governor; and in case of removal, death, resignation, or inability of both the Governor and Lieutenant Governor, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney General, or if there be none, or in the case of his removal, death, resignation, or inability, then the President pro tempore of the Senate, or if there be none, or in case of his removal, death, resignation, or inability, then the Speaker of the House of Representatives shall act as Governor until the disability of the Governor or Lieutenant Governor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions of this section shall apply only to such persons as are elegible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, Secretary of State or Attorney General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of Representatives, his seat as a member of the General Assembly shall become vacant; and any such

vacancy shall be filled as directed by this Constitution: provided, however, that such vacancy shall not be created in case either of the said persons shall be acting as Governor during a temporary disability of the Governor.

Section 21. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts shall be two years. These officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor.

Section 22. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be two years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned by the Governor.

No person shall be twice elected Sheriff in any term of four years.

Section 23. Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery, Clerks of the Orphans' Court and Sheriffs shall keep their offices in the town or place in each county in which the Superior Court is usually held.

ARTICLE IV.

JUDICIARY.

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time by law establish.

Section 2. There shall be six State judges, who shall be learned in the law. One of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State. They shall be resident Associate Judges, and one of them shall reside in each county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for the term of twelve years; Provided, however that the Chancellor, Chief Justice and Associate Judges first to be appointed under this amended Constitution, shall be appointed by the Goveruor without the consent of the Senate, for the term of twelve years; and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this amended Constitution. If a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term. The said appointments shall be such that no more than three of the said five law judges, in office at the same time, shall have been appointed from the same political party.

Section 4. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

Section 5. The Chief Justice and the four Associate Judges shall compose the Superior Court, the Court of Gen-

eral Sessions and the Court of Oyer and Terminer, as hereinafter prescribed.

The said five judges shall designate those of their number who shall hold the said courts in the several counties. Whenever practicable the said courts shall consist of three of the said five judges, but no more than three of them shall sit together in any of the said courts. In each of the said courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside.

Two shall constitute a quorum in the said courts respectively, except in the Court of Oyer and Terminer, where three shall constitute a quorum.

One may open and adjourn court.

Section 6. Two sessions of the Superior Court, or Court of General Sessions, or one session of each of the said courts, or one session of the Court of Oyer and Terminer and of either of the other of the said courts may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

Section 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

Section 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

Section 10. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

Section 11. The Orphans' Court in each county shall consist of the Chancellor and the resident Associate Judge of

the county. The Chancellor when present shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, and in all matters affecting guardians or guardians' accounts, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal, if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

Section 12. The Supreme Court shall have jurisdiction as follows:

(1). To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

(2). To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding $100, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases: provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution.

(3). To receive appeals from the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution, and to determine finally all matters of appeal in such cases.

(4). To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery.

(5). To issue writs of prohibition, certiorari and mandamus to the Superior Court, the Court of Oyer and Terminer, the Court of General Sessions, the Court of Chancery and the Orphans' Court, or any of the judges of the said courts, and all orders, rules and processes proper to give effect to the same. The General Assembly shall have power to provide by law of what judges the Supreme Court shall consist for the purpose of this paragraph and in what manner, and by what judges of the Supreme Court, the jurisdiction and power hereby conferred may be exercised in vacation.

Section 13. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 14. The Supreme Court upon an appeal from the Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 15. Whenever the Superior Court, Court of Oyer and Terminer or Court of General Sessions shall consider that a question of law ought to be heard by the Court in Banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the Court in Banc shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn court.

The Superior Court, Court of Oyer and Terminer or Court of General Sessions in exercising this power, may direct a cause to be proceeded in to verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

Section 16. In matters of chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 17. The Chief Justice, or, in case of his absence from the State or disability, the senior Associate Judge, shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant restraining orders and preliminary injunctions, pursuant to the rules of the Court of Chancery; provided, that nothing herein contained shall be construed to confer general jurisdiction over the case.

Section 18. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge or for other cause a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

Section 19. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county. No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.

Section 20. The General Assembly, notwithstanding any thing contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Orphans' Court, or the Court of Chancery, in any matter, or giving any power to either of the said courts. The General Assembly shall also have power to confer upon the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers in addition to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the Court of Errors and Appeals.

Section 21. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, beside the general powers of the Court of Chancery; and the Chief Justice and Associate Judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

Section 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

Section 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

Section 24. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing, upon such terms as it shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses who are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirm-

ity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

Section 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the cost then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause, he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Section 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but, until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias thirty days before the return thereof shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

Section 27. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered,

but within five years after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compos mentis or a prisoner, and then within five years exclusive of the time of such disability.

Section 29. The Prothonotary of the Superior Court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.

Section 30. The General Asembly may by law give to any inferior courts by them established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say: assaults and batteries, keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house, retailing or selling without license, or on Sunday, or to minors, wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors, contrary to law, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly may from time to time, with the concurrence of two-thirds of all the members elected to each House, prescribed.

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions; provided, however, that there shall be an appeal to the Court of General Sessions in all cases in which the sentence shall be imprisonment exceeding one month, or a fine exceeding one hundred dollars.

Section 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four years.

Section 32. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the

provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law.

Section 33. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the State. Appeals may be taken from a Register's Court to the Superior Court, whose decision shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

Section 34. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor or administrator shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians, respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

Section 35. The style in all process and public acts shall be the THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

ARTICLE V.

ELECTIONS.

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot; but the General Assembly may by law prescribe the means, methods and instruments of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

Section 2. Every male citizen of this State of the age of twenty-one years who shall have been a resident thereof one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people, and upon all questions which may be submitted to the vote of the people: provided, however, that no person who shall attain the age of twenty-one years after the first day of January, in the year of our Lord nineteen hundred, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith: and provided also, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, or incapacitated under the provisions of this Constitution from voting, shall enjoy the right of an elector; and the General Assembly may impose the forfeiture of the right of suffrage as a punishment for crime.

Section 3. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or

offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under Section 8 of this Article.

Section 4. The General Assembly shall provide by law for a uniform biennial registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person so registered to vote at the general election next thereafter, who is not disqualified under the provisions of Section 3 of this Article; but no person shall vote at such election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than one hundred and twenty days nor less than sixty days before and be completed not more than twenty days nor less than ten days before such election. Application for registration may be made on at least five days during the said period; provided,

however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only; and each voter shall, at the time of his registration, pay a registration fee of one dollar, for the use of the county where such registration fee is paid.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident Associate Judge of the county, or, in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final; and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect, to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry. Registration shall be required only for general biennial elections at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Section 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

Section 6. The presiding election officer of each hundred or election district on the day next after the general election shall deliver one of the certificates of the election, made and certified as required by law, together with the ballot box or ballot boxes, containing the ballots and other papers required by law to be placed therein, to the Prothonotary of the Super-

ior Court of the county, who shall at twelve o'clock noon on the second day after the election present the same to the said court, and the election officer or officers having charge of any other certificate or certificates of the election shall at the same time present the same to the said court and the said court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificates of election of any hundred or election district shall not be produced, or in case the certificates produced do not agree or in case of complaint under oath of fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such certificate, the court shall have power to issue summary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the Boards of Canvass, and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

No act or determination of the court in the discharge of the duties imposed upon it by this section shall be conclusive in the trial of any contested election.

For the purposes of this section the Superior Court shall consist in New Castle county of the Chief Justice and the resident Associate Judge; in Kent county of the Chancellor and the resident Associate Judge; and in Sussex county of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

Section 7. Every person who either in or out of the State shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election; or who either in or out of the State shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting, or upon a vote thereat by any person; or who either in or out of the State shall, by the use or promise of money or other valuable thing, or otherwise, cause or attempt to cause any officer of election or registration officer to violate his official duty; or who either in or out of the State shall by the use or promise of money or other valuable thing influence or attempt to influence any person to be registered or abstain from being registered; or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty; or who shall by force threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered or any person qualified to vote from voting according to his choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than

five thousand dollars, or shall be imprisoned for a term not less than one month nor more than three years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court; and, if a male, shall further for a term of ten years next following his sentence be incapable of voting at any such general, special, municipal or primary election or convention or meeting. But the penalty of disfranchisement shall not apply to any person making or being a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting. Every person charged with the commission while out of the State of any of the offences enumerated in this section, and by this section made punishable, whether committed in or out of the State, may be prosecuted under Section 8 of this Article, in any county in which he shall be arrested on such charge. No person, other than the accused, shall, in the prosecution for any offence mentioned in this section, be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Section 8. Every prosecution for any of the offences mentioned in Section 7 of this Article shall be on information filed by the Attorney General, after examination and commitment or holding to bail by a judge or justice of the peace, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or a petit jury. The accused, if adjudged guilty of the offence charged against him, shall have the right at any time within the space of three calendar months next after sentence is pronounced to an appeal to the Supreme Court. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not operate as a supersedeas unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge. On such appeal the Supreme Court shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein, and the law applicable thereto, and give final

judgment accordingly, either affirming or reversing the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Supreme Court shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Supreme Court, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below, after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have the right at any time after its approval and until final judgment shall be rendered by the Supreme Court, and, in case the judgment of the court below shall be affirmed, until the expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the county in which he was sentenced; and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for such taking and rendering. If the Supreme Court shall reverse any judgment of the court below imposing a fine, and if the accused shall have fully paid such fine and the costs of prosecution, the amount thereof shall be refunded to the appellant through a warrant drawn by the court below on the treasurer of the county in which the accused was sentenced. All the judges entitled to sit in the Supreme Court shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof, providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same when so printed or reduced to writing, and of copies thereof; for the copying and certification of all documentary or other written or printed evidence in the cause in the court below and of the record therein; for the transmission to the Supreme Court of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court; for the transmission to the court below of a certified

copy of the final judgment of the Supreme Court and of any additional sentence pronounced by said court, for the discharge of sureties in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Supreme Court and the court below in cases of appeal under this section. The said judges, or a majority of them, met as aforesaid, may also provide that when complaint shall be made in due form, prescribed by them, to any judge entitled to sit in the Supreme Court, that any offence mentioned in Section 7 of this Article has been committed in the county in which such judge shall reside, or out of the State, such judge shall have power to cause the person charged with such offence to be arrested within any county of this State and brought before him, and to bind him with sufficient surety, or, for want of bail, commit him for his appearance and answer at the next term of the Court of General Sessions in such manner and under and pursuant to such rules and regulations as the said judges, or a majority of them, shall prescribe. From time to time hereafter, whenever a majority of all the judges entitled to sit in the Supreme Court shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court; and they, or a majority of them, shall have power to revise, amend, add to or annul, any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section, or arrest and binding or commitment for appearance and answer, in such manner and to such extent as in their judgment shall best serve to effectuate the purposes hereof. No person shall be adjudged guilty of any offence mentioned in Section 7 of this Article without the concurrence of all of the judges trying the case; and upon appeal no judgment of the court shall be affirmed without the concurrence of all of the judges of the Supreme Court sitting in the case, and their failure to concur as aforesaid shall operate as a reversal of the judgment of the court below; provided, however, that such concurrence of the judges sitting in the Supreme Court shall not be necessary for the affirmance of the judgment of the court below where the appellant shall fail to prosecute his appeal pursuant to the rules and practice herein provided for.

Section 9. The enumeration of the offences mentioned in Section 7 of this Article shall not preclude the General Assembly from defining and providing for the punishment of other offences against the freedom and purity of the ballot, or touching the conduct, returns or ascertainment of the result of general, special or municipal elections, or of primary elections, conventions or meetings held for the nomination of candidates to be voted for at general, special or municipal elections. No prosecution under any act of the General Assembly passed pursuant to this section shall be subject to the provisions of Section 8 of this Article.

ARTICLE VI.

IMPEACHMENT AND TREASON.

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators.

On the trial of an impeachment against the Governor or Lieutenant Governor, the Chief Justice, or, in case of his absence or disability, the Chancellor shall preside; and on the trial of all other impeachments the President of the Senate shall preside.

Section 2. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

Section 3. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the Government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE VII.

PARDONS.

Section 1. The Governor shall have power to remit fines and forfeitures and to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon, or reprieve for more than six months, shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after full hearing; and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof.

He shall fully set forth in writing the grounds of all reprieves, pardons and remissions, to be entered in the register of his official acts and laid before the General Assembly at its next session.

Section 2. The Board of Pardons shall be composed of the Chancellor, Lieutenant Governor, Secretary of State, State Treasurer and Auditor of Accounts.

Section 3. The said board may require information from the Attorney General upon any subject relating to the duties of said board.

ARTICLE VIII.

REVENUE AND TAXATION.

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public welfare.

Section 2. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose alterations as on other bills; and no bill from the operation of which, when passed into law, revenue may incidentally arise shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

Section 3. No money shall be borrowed or debt created by or on behalf of the State but pursuant to an act of the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House, except to supply casual deficiencies of revenue, repel invasion, suppress insurrections, defend the State in war or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed, or any part thereof, be left after the abandonment of such purpose or the accomplishment thereof, such money, or the surplus thereof, may be disposed of according to law.

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to any county, municipality or corporation, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than pursuant to an Act of the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House.

Section 5. The General Assembly shall provide for levying and collecting a capitation tax from every male citizen of the State of the age of twenty-one years or upwards; but such tax to be collected in any county shall be uniform throughout that county, and such capitation tax shall be used exclusively in the county in which it is collected.

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by Act of the General Assembly; provided, however, that the compensation of the members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to resolution in that behalf; a regular account of the receipts and expenditures of all public money shall be published annually.

Section 7. In all assessments of the value of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental value of real estate for taxation, the

rental value of the land and the rental value of the buildings and the improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of the value of real estate or of the rental value thereof for taxation for State, county, hundred, school, municipal or other public purposes.

Section 8. No county, city, town or other municipality shall lend its credit or appropriate money to, or assume the debt of, or become a shareholder or joint owner in or with any private corporation or any person or company whatever.

ARTICLE IX.

CORPORATIONS.

Section 1. No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed, or revived by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations, banks or corporations for charitable, penal, reformatory or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the revocation of forfeiture of the charters of all corporations for the abuse, misuse, or non-user of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney General, as may be provided by law. No general incorporation law, nor any special act of incorporation, shall be enacted without the concurrence of two-thirds of all the members elected to each House of the General Assembly.

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter amended or renewed without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Section 3. No corportion shall issue stock, except for money paid, labor done or personal property, or real estate or leases thereof actually acquired by such corporation; and neither labor nor property shall be received in payment of

stock at a greater price than the actual value at the time the said labor was done or property del'vered or title acquired.

Section 4. The rights, privileges, immunities and estates of religious societies and corporate bodies, except as herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

Section 5. No foreign corporation shall do any business in this State, through or by branch offices, agents or representatives located in the State, without having an authorized agent or agents in the State upon whom legal process may be served.

Section 6. In all elections for directors or managers of stock corporations each shareholder shall be entitled to one vote for each share of stock he may hold.

ARTICLE X.

EDUCATION.

Section 1. The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.

Section 2. In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools which, with the income of the investments of the Public School Fund, shall be equitably apportioned among the school districtsof the State as the General Assembly shall provide; and the money so apportioned shall be used exclusively for the payment of teachers' salaries and for furnishing free text books; provided, however, that in such apportionment, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be provided by law.

Section 3. No portion of any fund now existing, or which may hereafter be appropriated, or raised by tax, for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian, church or denominational school; provided, that all real and personal property used for school purposes, where the tuition is free, shall be exempt from taxation and assessment for public purposes.

Section 4. No part of the principal or income of the Public School Fund, now or hereafter existing, shall be used for any other purpose than the support of free public schools.

ARTICLE XI.

AGRICULTURE.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State. Any two of them shall constitute a quorum for the transaction of business.

Section 3. The said Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: Provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

Section 4. The said board shall have power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees,

plants, vegetables, cereals, horses, cattle and other farm animals.

Section 5. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 6. The General Assembly shall provide by law for the compensation of the members of said board.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

ARTICLE XII.

HEALTH.

The General Assembly shall provide for the establishment and maintenance of a State Board of Health, which shall have supervision of all matters relating to public health, with such powers and duties as may be prescribed by law; and also for the establishment and maintenance of such local boards of health as may be necessary, to be under the supervision of the State Board, to such extent and with such powers as may be prescribed by law.

ARTICLE XIII.

LOCAL OPTION.

Section 1. The General Assembly may, from time to time, provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in Section 2 of this Article, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no person, firm or corporation shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said district, until at a subsequent submission of such question a majority of votes shall be cast in said district for license.

Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any district named in Section 2 of this Article shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

Section 2. Under the provisions of this Article, Sussex County shall comprise one district, Kent County one district, the City of Wilmington, as its corporate limits now are or may hereafter be extended, one district, and the remaining part of New Castle County one district.

Section 3. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, enact laws governing the manufacture and sale of intoxicating liquors under the limitations of this Article, and provide such penalties as may be necessary to enforce the same.

ARTICLE XIV.

OATH OF OFFICE.

Members of the General Assembly and all public officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of ————————, according to the best of my ability"; and all such officers, except as aforesaid, who shall have been chosen at any election, shall, before they enter upon the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the

giving or withholding a vote at the election at which I was elected to said office."

No other oath, declaration or test shall be required as a qualification for any office of public trust.

ARTICLE XV.

MISCELLANEOUS.

Section 1. The Chancellor, Judges and Attorney General shall be conservators of the peace throughout the State; and the Sheriffs and Coroners shall be conservators of the peace within the counties respectively in which they reside.

Section 2. No public officer shall receive any fees without giving to the person paying the same a receipt therefor, if required, therein specifying every item and charge.

Section 3. No costs shall be paid by a person accused, on a bill being returned ignoramus, nor on acquittal.

Section 4. No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment.

Section 5. All public officers shall hold their respective offices until their successors shall be duly qualified, except in cases herein otherwise provided.

Section 6. All public officers shall hold their offices on condition that they behave themselves well. The Governor shall remove from office any public officer convicted of misbehavior in office or of any infamous crime.

Section 7. The matters within Section 30 of Article IV and Sections 7 and 8 of Article V are excepted from the provision of the Constitution that "No person shall for any indictable offence be proceeded against criminally by information," and also from the provisions of the Constitution concerning trial by jury.

Section 8. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the

laws, journals, official reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bldder below such maximum price and under such regulations as shall be prescribed by law. Such bids shall be opened in the presence of the persons making the bids or their reperesentatives.

No member or officer of any department of the government shall be in any way interested in any such contract when awarded to or by any such member, officer or department.

Section 9. This Constitution shall be prefixed to every codification of the Laws of this State.

ARTICLE XVI.

AMENDMENTS AND CONVENTIONS.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by two-thirds of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least three newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said election such proposed amendment or amendments shall upon a yea and nay vote be agreed to by two-thirds of all the members elected to each House, the same shall thereupon become part of the Constitution.

Section 2. The General Assembly by a two-thirds vote of all the members elected to each House may from time to time provide for the submission to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Con-

vention for such purpose, the General Assembly at its next session shall provide for the election of delegates to such Convention at the next general election. Such Convention shall be composed of forty-one delegates, one of whom shall be chosen from each Representative District by the qualified electors thereof, and two of them shall be chosen from New Castle County, two from Kent County and two from Sussex County, by the qualified electors thereof respectively. The delegates so chosen shall convene at the Capital of the State on the first Tuesday in September next after their election. Every delegate shall receive for his services such compensation as shall be provided by law. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the elections, returns and qualifications of its members. Whenever there shall be a vacancy in the office of delegate from any district or county by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election to fill such vacancy shall be issued by the Governor, and such vacancy shall be filled by the qualified electors of such district or county.

Section 3. The General Assembly shall provide for receiving, tallying and counting the votes for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also enact all provisions necessary for giving effect to this Article.

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article shall require for its validity the approval of the Governor, and the same, shall be exempt from the provisions of Section 18 of Article III of this Constitution.

Section 5. In voting at any general election, upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots.

SCHEDULE.

That no inconvenience may arise from the amendments of the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, as follows:

Section 1. The President of this Convention, immediately on its adjournment, shall deliver the enrolled copy of this amended Constitution and Schedule to the Secretary of State, who shall file the same in his office, and Secretary of this Convention shall cause the same to be published three times in two newspapers in each county of the State.

Section 2. This amended Constitution shall take effect on the tenth day of June in the year one thousand eight hundred and ninty-seven.

Section 3. The offices of the present Senators and Representatives shall not be vacated or otherwise affected by this amended Constitution, except that the Senators whose terms do not expire on the day of the next general election shall thereafter represent the districts in which they now reside until the end of the terms for which they were elected.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected from each of the even numbered Senatorial Districts in the State, except district Number Two in New Castle county, district Number Four in Kent county, and district Number Two in Sussex county, a Senator for the term of two years, and from each of the odd numbered Senatorial Districts in the State a Senator for the term of four years.

And thereafter, as the said terms shall from time to time expire, a Senator shall be elected from each of the said Senatorial Districts for the full term of four years.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected in each Representative District in the State one Representative for the term of two years.

Section 4. The terms of Senators and Representatives shall begin on the day next after their election.

Section 5. The first general election under this amended Constitution shall be held on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and ninety-eight.

Section 6. The term of office of the present Governor shall not be vacated, or in anywise affected by this amended Constitution.

Section 7. Unless otherwise provided by this amended Constitution or Schedule, all persons elected or appointed before this amended Constitution shall take effect, to State or county offices made elective by this amended Constitution, whose terms will expire before the first Tuesday in January, in the year one thousand eignt hundred and ninety-nine, shall hold their respective offices until the said last mentioned day; and all persons elected or appointed as aforesaid to such offices, whose terms will expire between the said first Tuesday in January in the year one thousand eight hundred and ninety-nine and the first Tuesday in January in the year one thousand nine hundred and one, shall hold their respective offices until the said last mentioned day; and all persons elected or appointed as aforesaid to such offices, whose terms will expire between the said first Tuesday in January in the year one thousand nine hundred and one and the first Tuesday in January in the year one thousand nine hundred and three, shall hold their respective offices until the said last mentioned day; and the successors of such persons shall be elected at the general election next before the expiration of the terms as hereby extended; provided, however, that the successors of the present Auditor of Accounts, State Treasurer and Insurance Commissioner shall be elected at the general election next preceding the expiration of their several terms of office, and the persons so elected shall enter upon the duties of their respective offices on the first Tuesday in January following their election. The officers whose terms of office are extended by this section shall renew their official obligations upon the expiration of their present terms.

Section 8. The terms of office of all State and county offices made elective by this amended Constitution shall commence on the first Tuesday in January next after their election, unless otherwise provided in this amended Constitution or Schedule.

Section 9. All the courts of justice now existing shall continue with their present jurisdiction, and the Chancellor and judges shall continue in office until the tenth day of June in the year one thousand eight hundred and ninety-seven; upon which day the said courts shall be abolished, and the offices of the said Chancellor and judges shall expire.

All writs of error, and appeals and proceedings which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of Errors and Appeals, and all the books, records and papers of said court, shall be transferred to the Supreme Court established by this amended Constitution; and the said writs of error, appeals and proceedings shall be proceeded in the said Supreme Court to final judgment, decree or other determination.

All suits, proceedings, and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Superior Court, and all books, records and papers of the said court, shall be transferred to the Superior Court established by this amended Constitution, and the said suits, proceedings and matters shall be proceeded in to final judgment, or determination, in the said Superior Court established by this amended Constitution.

All indictments, proceedings and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of General Sessions of the Peace and Jail Delivery, shall be transferred to and proceeded in to final judgment and determination in the Court of General Sessions established by this amended Constitution, or be otherwise disposed of by the Court of General Sessions and all books, records and papers of said Court of General Sessions of the Peace and Jail Delivery shall be transferred to the said Court of General Sessions.

All indictments, proceedings and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of Oyer and Terminer, shall be transferred to and proceeded in to final judgment and determination in the Court of Oyer and Terminer established by this amended Constitution, and all books, records and papers of said Court of Oyer and Terminer shall be transferred to said Court of Oyer and Terminer established by this amended Constitution.

All suits, proceedings and matters which, on the said tenth day of June in the year one thousand eight hundred and ninety-seven, shall be depending in the Court of Chancery, or in the Orphans' Court, and all records, books and papers of said courts respectively, shall be transferred to the Court of Chancery or Orphans' Court respectively, established by this amended Constitution; and the suits, proceedings and matters, shall be proceeded in to final decree, order or other determination.

Section 10. Unless otherwise provided, the Registers' Courts and the jurisdiction of Justices of the Peace shall not be affected by this amended Constitution.

Section 11. If the Chancellor, Chief Justice, or any Associate Judge in office at the time this amended Constitution shall take effect shall not be appointed Chancellor, Chief Justice or Associate Judge under this amended Constitution, he shall be entitled to receive the sum of fifteen hundred dollars per annum, payable quarterly, for five years, after the expiration of his office, if he shall so long live.

Section 12. The first biennial Session of the General Assembly under this amended Constitution shall commence on the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

Section 13. The provisions of Section 15 of Article II of this amended Constitution relating to the amount of the compensation of the members of the General Assembly and the presiding officers of the respective Houses shall not apply to any adjourned, special or extra session of the General Assembly held prior to the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

Section 14. Until the General Assembly shall enact a general law as provided for in Section 1 of Article IX, of this amended Constitution, existing corporations may be renewed for a period not exceeding four years without change or enlargement of their corporate powers or duties in the manner lawful before this amended Constitution shall take effect.

Section 15. Until the General Assembly shall otherwise provide, guardians' accounts shall be filed with and be adjusted and settled by the Register of Wills for the county, and be subject to exception, hearing, adjustment and settlement in the Orphans' Court for the county as before this amended Constitution took effect.

Section 16. Unless otherwise provided by this amended Constitution or Schedule the terms of persons holding public offices to which they have been elected or appointed at the time this amended Constitution and Schedule shall take effect, shall not be vacated or otherwise affected thereby.

Section 17. One or more vacancies in the Board of Pardons shall not invalidate any act of the remaining members of said board, not less than three in number.

Section 18. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws.

Section 19. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

Done in Convention, the fourth day of June in the year of our Lord one thousand eight hundred and ninety-seven and of the Independence of the United States of America the one hundred and twenty-first.

In Testimony Whereof, we have hereunto subscribed our names.

Mr. Spruance moved that Mr. Cooch accompany the Secretary to the office of The Delawarean with the amended Con-

stitution and Schedule for the purpose of fastening the same together.

The motion Prevailed.

Mr. Saulsbury moved that the President be authorized to receipt to the Prothonotaries for the number of Revised Codes received by the Convention.

The motion Prevailed.

Mr. Hearne moved that the allowances made to Peter C. Gruwell for $100, be increased to $200.

The motion Prevailed.

Mr. Ellegood moved to take up for consideration his resolution authorizing the printing of the Convention Journal and the Committee of the Whole Journal.

The motion Prevailed.

Mr. Ellegood moved to adopt it.

The motion Prevailed.

Mr. Spruance moved that the roll be called beginning with the President, and as each member is called, he sign the enrolled copy of the amended Constitution and Schedule.

The motion Prevailed.

Whereupon the roll was called and the following members signed their names:

President Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Mr. Spruance moved that the signatures be attested by the Secretary.

The motion Prevailed.

Mr. Cooch moved that the Secretary be directed to deliver

the amended Constitution to the President for the purpose of delivering the same to the Secretary of State.

The moion Prevailed.

Mr. Richards offered, read and moved the adoption of the following resolution:

Resolved, That the thanks of this Convention are hereby tendered to the Hon. John Biggs, the President of the Convention, for the fair and impartial manner in which he has discharged the responsible duties of presiding officer, and in retiring from the chair he carries with him the best wishes of the members of this Convention for his future prosperity and happiness.

The motion Prevailed.

Mr. Cavender offered, read and moved the adoption of the following resolution:

Resolved, That the thanks of this Convention be and is hereby tendered to Charles G. Guyer and Edmond C. Hardesty, for their admirable reports of the debates of this Convention, as well as for their uniformly, urbane and gentlemanly conduct in their intercourse with the members.

The motion Prevailed.

Mr. Cavender offered, read and moved the adoption of the following resolution:

Resolved, That the thanks of this Convention be and is hereby cordially tendered to the newspaper reporters who have attended upon its sessions for the full, fair and impartial manner in which they have reported its proceedings.

The motion Prevailed.

Mr. Saulsbury offered, read and moved the adoption of the following resolution:

Resolved, That the hearty thanks of the Convention are hereby tendered Charles R. Jones, Scretary of the Convention, and Morgan T. Gum, Assistant Secretary, for their uniform

courtesy and kindness to the members and for the efficiency with which they have discharged their duties.

The motion Prevailed.

Mr. Hearne offered, read and moved the adoption of the following resolution:

Resolved, That the clock at this time in the Convention hall be donated to Daniel V. Hutchins, our Sergeant-at-arms, the same to be his absolute property.

The motion Prevailed.

Mr. Hearne offered, read and moved the adoption of the following resolution:

Resolved, That the Sergeant-at-arms of this Convention be and he is hereby directed to deliver to the State Librarian the dictionary, desks, chairs, and all furniture and fixtures of the Convention not heretofore or otherwise disposed of.

The motion Prevailed.

Prayer was offered by member, David S. Clark.

Mr. Hearne moved that a vote of thanks be extended to the Chaplain, Sergeant-at-arms and Page.

The motion unanimously prevailed.

Mr. Spruance moved that this Convention do now adjourn without day.

The motion Prevailed.

And the President proclaimed the Convention adjourned without day.

In obedience to a resolution of the Constitutional Convention of the State of Delaware, adopted the third day of June, A. D. 1897, I have caused to be published the foregoing Journal of the Constitutional Convention.

Where lines are mentioned by number, the numbers have reference to those found in the printed or type written reports as they were considered by the Convention, and not to what would be their numbers as they appear on the pages of this Journal.

CHARLES R. JONES,
Secretary of the Convention.

Georgetown, Del., December 30, 1897.

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JOURNAL

OF THE

COMMITTEE OF THE WHOLE

OF THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF DELAWARE,

CONVENED AND HELD AT DOVER, ON TUESDAY, THE FIRST DAY OF DECEMBER, A. D. 1896, AND OF THE INDEPENDENCE OF THE UNITED STATES THE ONE HUNDRED AND TWENTY-FIRST.

1897:
THE DELAWAREAN PRINT,
DOVER, DEL.

JOURNAL

OF THE

COMMITTEE OF THE WHOLE

OF THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF DELAWARE.

The Constitutional Convention of the State of Delaware assembled and was duly organized in the State House at Dover, on Tuesday, the first day of December, in the year of our Lord one thousand eight hundred and ninety-six, and of the Independence of the United States of America the one hundred and twenty-first.

The Convention resolved itself into Committee of the Whole on Monday, January 4, 1897, at 3 o'clock, p. m., to consider the report of the Committee on the Governor and Other Executive Officers,

Mr. Evans in the chair.

The Committee of the Whole proceeded to consider the following report:

The Committee on the Governor and Other Executive Officers recommend the following amendments to the Constitution:

Strike out all of Section 9 of Article III and substitute, in lieu thereof, the following:

"Section 9. He shall have the power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Chancellor, Speaker of the Senate, Attorney General and Secretary of State, or any three of them, after full hearing, and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof."

Strike out the word "second" in the last line of Section 3 of Article III, and insert in lieu thereof the word "third."

Insert next after the end of Section 13 of Article III, the following:

"Section 14. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve he shall sign it, but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Gen-

eral Assembly unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary (except on a question of adjournment) shall be presented to the Governor; and before the same shall take effect shall be approved by him, or being disapproved by him shall be repassed by two-thirds of all the members of each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill."

EDWARD D. HEARNE,
WILLIAM A. CANNON,
E. W. COOPER,
A. L. JOHNSON,
W. C. SPRUANCE.

Mr. Spruance moved to take up for consideration Section 9 of Article III of the first report of the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

The Secretary read Section 9, as follows:

Section 9. He shall have the power to remit fines and forfeitures, to grant reprieves, commutationsof sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Chancellor, Speaker of the Senate, Attorney General and Secretary of State, or any three of them, after full hearing, and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof.

Mr. Bradford moved to insert between the words "pardon" and "shall" in the fourth line of Section 9, Article III of

the report under consideration the following, "nor reprieve for more than six months,"

Which motion Prevailed.

Mr. Saulsbury moved to strike out the words "Speaker of the Senate" in line six of Section 9, Article III, of the first report of the Committee on the Governor and Other Executive Officers, and insert in lieu thereof the following words, "Person next in line of succession to the office of Governor,"

Which motion Was Lost.

Mr. Ellegood moved that the words "Attorney General" in line six of Section 9, Article III, of the first report of the Committee on the Governor and Other Executive Officers be stricken out.

Action on this motion was postponed until some future date.

Mr. Spruance moved that the Committee of the Whole rise and that the chairman be instructed to report progress to the Convention and to ask leave to sit again,

Which motion Prevailed.

The Committee of the Whole rose.

Tuesday, January 5, 1897.
11.30 o'clock, a. m.

The Committee of the Whole met to take further consideration of the first report of the Committee on the Governor and Other Executive Officers,

Mr. Burris in the chair.

On motion of Mr. Spruance, the Secretary read Mr. Ellegood's motion made yesterday in the Committee of the Whole, as follows:

That the words "Attorney General" in line six of Section 9, Article III, of the first report of the Committee on the Governor and Other Executive Officers be stricken out,

Action on this motion was postponed until some future date.

Mr. Pratt moved to insert the words "State Treasurer" before the words "Secretary of State" in line seven of Section 9, Article III, of the report under consideration.

Action hereon postponed.

Mr. Spruance moved that further consideration of Section 9, Article III, of the first report of the Committee on the Governor and Other Executive Officers be postponed,

Which motion Prevailed.

Mr. Saulsbury asked unanimous consent that the final "e" be stricken out in the word "therefore" in line nine of Section 9, Article III of the report under consideration, so as to make the word 'therefor."

The Committee consented unanimously to strike out the letter.

Mr. Spruance moved that Section 14, Article III, of the report under consideration be now taken up,

Which motion Prevailed.

On motion of Mr. Spruance, the Secretary read Section 14 of Article III of the report under consideration, as follows:

Section 14. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve he shall sign it, but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor; and before the same shall take effect shall be approved

by him, or being disapproved by him shall be repassed by two-thirds of all the members of each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

Mr. Saulsbury moved that the Committee do now rise and the chairman report progress to the Convention and ask permission to meet again this afternoon,

Which motion Prevailed.

The Committee rose.

Same Day, 3 o'clock, p. m.

The Committee of the Whole met to consider further the first report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

Mr. Hearne moved that Section 14, Article III, of the report under consideration be adopted.

Mr. Bradford moved that the words "two-thirds" in line four and line eight on the second page, and in line five on the third page of Section 14, Article III, of the report under consideration be stricken out and the words "a majority" substituted in lieu thereof.

Mr. Biggs moved to amend Mr. Bradford's motion by stricking out the words "a majority" and inserting in lieu thereof the words "three-fifths."

Mr. Bradford moved that the Committee do now rise and that the chairman report progress and ask leave to sit again,

Which motion Prevailed.

The Committee rose.

Wednesday, January 6, 1897.
11.30 o'clock, a. m.

The Committee of the Whole met to consider further the first report of the Committee on the Governor and Other Executive Officers,

Mr. Dasey in the chair.

After the Committee had proceeded with the consideration of Section 14 of the report,

Mr. Richards moved that the Committee now rise and report progress to the Convention and ask leave to sit again,

Which motion Prevailed.

The Committee rose.

Same Day, 2.10 o'clock, p. m.

The Committee of the Whole met to consider further the first report of the Committee on the Governor and Other Executive Officers,

Mr. Cooch in the chair.

On the question of Mr. Biggs' amendment of yesterday, as follows: Strike out of Mr. Bradford's motion the words "a majority" and insert in lieu thereof the words "three-fifths,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Burris, Cannon, Carlisle, Cooch, Donahoe, Gilchrist, Hearne, Johnson, Martin, Moore, Murray, Pratt, Richards, Spruance, Wright.

Nays—Messrs. Bradford, Cavender, Clark, Cooper, Dasey, Ellegood, Evans, Orr, Sapp, Saulsbury, Smithers.

Yeas, 16; nays, 11.

So the question was decided in the affirmative, and the amendment prevailed.

On the question of Mr. Bradford's motion of yesterday, as amended,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hearne, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Yeas, 25; nays, none.

So the question was decided in the affirmative, and the motion, as amended, prevailed.

Mr. Bradford moved to insert after the word "law" in the ninth line, and before the word "but" on the second page of the report under consideration, the following words: "But in neither House shall the vote be taken on the same day on which the bill shall be returned to it,"

Which motion Prevailed.

Mr. Bradford moved to strike out the word "but" and make the little "i" which follows it a large "I,"

Which motion Prevailed.

Mr. Saulsbury moved to strike out the word "of" in the fifth line on the third page of the report under consideration, and insert in lieu thereof the words "elected to,"

Which motion Prevailed.

Mr. Spruance moved to adopt Section 14 of the report under consideration as amended,

Which motion Was Withdrawn.

Mr. Martin moved to insert after the words "Section 14" the following:

"No bill shall be passed by either House of the General Assembly except the vote shall have been determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal,"

Which motion Was Withdrawn.

Mr. Spruance renewed his motion to adopt Section 14 of the report under consideration, as amended, as follows:

Section 14. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve he shall sign it, but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law. But in neither House shall the vote be taken on the same day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limi-

tations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor; and before the same shall take effect shall be approved by him, or being disapproved by him shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

The motion Prevailed.

Mr. Cavender moved that the Committee now rise and report progress and ask leave to sit again,

Which motion Prevailed.

The Committee rose.

Thursday, January 7, 1897.
12 o'clock, noon.

The Committee of the Whole met to consider the supplementary report of the Committee on the Governor and Other Executive Officers,

Mr. Saulsbury in the chair.

The Committee of the Whole proceeded to consider the following report:

Second report of the Committee on the Governor and Other Executive Officers.

The Committee on the Governor and Other Executive Officers recommend the following amendments to the Constitution:

1. A Lieutenant Governor shall be elected at the same time and for the same term as the Governor; he shall possess the same qualifications of eligibility for the office as the Governor, and he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

Upon any vacancy happening in the office of Governor by his death, removal, resignation, or inability, the Lieutenant Governor shall exercise the office during the residue of the term, or until the disability shall cease.

The Lieutenant Governor shall receive for his services the same compensation as shall be provided by law for the Speaker of the House of Representatives.

2. The following State officers shall be elected by the people of the State:

Attorney General.

State Treasurer.

Auditor.

Insurance Commissioner.

3. The following county officers shall be elected by the people of the respective counties:

Prothonotary.

Clerk of the Peace.

Register of Wills.

Recorder of Deeds.

Register in Chancery and Clerk of the Orphans' Court.

4. All fees received by the Sheriffs and other county officers in excess of.....dollars shall be paid to the County Treasurer for the use of the county.

EDWARD D. HEARNE,
WILLIAM A. CANNON,
E. W. COOPER,
W. T. SMITHERS,
A. L. JOHNSON,
W. C. SPRUANCE.

Mr. Hearne moved that we have a Lieutenant Governor,

Which motion Was Withdrawn.

By the direction of the chair the Secretary read Section 1 of the report under consideration, as follows:

A Lieutenant Governor shall be elected at the same time and for the same term as the Governor; he shall possess the same qualifications of eligibility for office as the Governor, and he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

Mr. Spruance moved that the Committee of the Whole adopt the first sentence of Section 1 of the supplementary report made by the Committee on the Governor and Other Executive Officers, as follows:

A Lieutenant Governor shall be elected at the same time and for the same term as the Governor,

Which motion Prevailed.

Mr. Moore moved that the Committee of the Whole do now rise, report progress and ask leave to sit again,

Which motion Prevailed.

———

Same Day, 3.15 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on the Governor and Other Executive Officers,

Mr. Saulsbury in the chair.

Mr. Spruance moved to adopt the third paragraph of the report, as follows:

Strike out the word "second" in the last line of Section 3 of Article III and insert in lieu thereof the word "third,"

Which motion Prevailed.

Mr. Cavender moved to take up for consideration Section 9 of the report,

Which motion Prevailed.

Mr. Cavender moved to insert in line eight between the word "hearing" and the word "and"the words, "Of the parties upon due public notice and in open session,"

Which motion Was Withdrawn.

Mr. Spruance moved to strike out the words "Speaker of the Senate" in the sixth line of Section 9, Article III in the first report and insert the words "Lieutenant Governor,"

Which motion Prevailed.

Mr. Pratt moved to take up his motion of the 5th instant,

namely, that the words "State Treasurer" be inserted before the words "Secretary of State" in line seven, Section 9, Article III of the report,

Which motion Prevailed.

Mr. Bradford moved that consideration of Section 9 be postponed,

Which motion Prevailed.

Mr. Spruance moved to take up Section 1 of the second report,

Which motion Prevailed.

Mr. Spruance moved to adopt lines six, seven, eight and nine, as follows:

He shall possess the same qualifications of eligibility for office as the Governor, and he shall be President of the Senate, but shall have no vote unless the Senate be equally divided,

Which motion Prevailed.

Mr. Spruance moved to adopt lines ten, eleven, twelve, thirteen and fourteen, as follows:

Upon any vacancy happening in the office of Governor by his death, removal, resignation, or inability, the Lieutenant Governor shall exercise the office during the residue of the term, or until the disability shall cease.

Mr. Bradford moved to insert in lieu of lines ten, eleven, twelve, thirteen and fourteen, the following:

"Upon any vacancy happening in the office of Governor by his death, removal from office or resignation, the Lieutenant Governor shall become Governor for the residue of the term; but in case of inability of the Governor the Lieutenant Governor shall exercise and be entitled to all the rights and emoluments of the office of Governor until such inability shall cease."

Action was deferred.

Mr. Martin moved that further consideration of this report be postponed until Monday,

Which motion Prevailed.

Mr. Bradford moved to consider lines sixteen, seventeen and eighteen, as follows:

The Lieutenant Governor shall receive for his services the same compensation as shall be provided by law for the Speaker of the House of Representatives,

Which motion Prevailed.

Mr. Bradford offered the following amendment, to strike out the following words:

"The Lieutenant Governor shall receive for his services the same compensation as shall be provided by law for the Speaker of the House of Representatives,"

And insert in lieu thereof, the following:

"The Lieutenant Governor shall, while acting as President of the Senate, receive for his services the same pay which shall for the same period, be allowed to the Speaker of the House of Representatives, and he shall receive no other compensation, except when he is acting as Governor."

Action was deferred.

Mr. Martin moved that the Committee rise, report progress and ask leave to sit again,

Which motion Prevailed.

Friday, January 8, 1897.
11.30 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Elections,

Mr. Moore in the chair.

The Committee of the Whole proceeded to consider the following report:

The Committee on Elections recommend the following amendments to the Constitution:

Strike out the part of the third paragraph of Section I of Article IV beginning with the words "And in" and ending with the words "any tax," and insert in lieu thereof the following:

"Every male citizen of the United States of the age of twenty-one years, who shall have been a citizen for three months, and a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people."

Insert next after Section I of Article IV, the following:

"Section 2. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or with-

holding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm, before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election.

"Section 3. The General Assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this article, which registration shall be conclusive evidence to the election officers of the right of every person thus registered to vote at any election thereafter held in this State, who is not disqualified under the provisions of the second section of this article; but no person shall vote at any election unless his name appears in the list of registered voters.

"Such registration shall be commenced not more than ninety days nor less than sixty days before, and be completed not more than twenty days nor less than ten days before such election, and applications for registration may be made on at least five days during the said period.

"Voters shall be registered upon personal application only, and each voter shall at the time of his registration pay a registration fee to be fixed by law, not exceeding———dollars.

"The registry of voters, made in pursuance hereof, may be corrected as shall be provided by law.

"Registration shall not be required for village, town or city elections except by express provision of law.

"The existing laws in reference to the registration of voters shall continue in force until the General Assembly shall otherwise provide."

Make Section 2 of Article IV, Section 4.

W. C. SPRUANCE,
W. T. CAVENDER,
J. A. ELLEGOOD,
W. A. CANNON.

Mr. Spruance moved to consider the first seventeen lines of the first report of the Committee on Elections, namely:

The Committee on Elections recommend the following amendments to the Constitution:

Strike out the part of the third paragraph of Section 1 of Article IV beginning with the words "And in" and ending with the words "any tax," and insert in lieu thereof the following:

"Every male citizen of the United States of the age of twenty-one years, who shall have been a citizen for three months, and a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, for all officers that now are or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people."

The motion Prevailed.

Mr. Spruance moved to adopt lines from three to seventeen inclusive, as follows:

Strike out the part of the third paragraph of Section 1 of Article IV beginning with the words "and in" and ending with the words "any tax," and insert in lieu thereof the following:

"Every male citizen of the United States of the age of twenty-one years, who shall have been a citizen for three months, and a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, for all officers that now are or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people."

Mr. Saulsbury moved to strike out from line eight from the word "citizen" to the word "resident" in line nine.

During the debate upon the motion, Mr. Pratt raised the point of order that Mr. Spruance was not speaking on the amendment.

Mr. Saulsbury asked to withdraw his amendment that Mr. Spruance may continue his remarks.

No objections to withdrawal being offered, the amendment was withdrawn.

Mr. Saulsbury moved to amend the part of the report now under consideration by striking out the word "months" in line nine and inserting in lieu thereof the word "weeks."

Further amend by inserting after the word "vote" in line twelve the following:

"And who shall have complied with the conditions herein prescribed."

Mr. Gilchrist moved an additional section to the report under consideration, as follows:

"From and after January 1, 1900, no person shall have the right to vote, or be eligible to office under the Constitution of this State, who shall not be able to read the Constitution in the English language, and write his name; provided, however, that the provisions of this section shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who has now the right to vote.

"The provisions of this section shall also be applicable to all persons who shall hereafter become citizens of this State."

Mr. Cavender moved that the Committee now rise, report progress and ask leave to sit again,

Which motion Prevailed.

Same Day, 2.10 o'clock, p. m.

The Committee resumed its sitting for the consideration of the first report of the Committee on Elections,

Mr. Moore in the chair.

Mr. Bradford moved to strike out the words "United States" in the seventh line and substitute the words "this State,"

Which motion Prevailed.

Mr. Cooper moved to strike out in the eighth line beginning at "citizen" and including all to the letter "a" in the ninth line so as to read "who shall have been a resident of this State,"

Which motion Prevailed.

Mr. Biggs moved to strike out the word "thirty" in the eleventh line between the words "last" and "days" and insert in lieu thereof the word "fifteen,"

Which motion Prevailed.

Mr. Cooper moved to insert between the words "vote" and "shall" in the twelfth line the following, "and in which he shall have been duly registered as hereinafter provided for,"

Which motion Prevailed.

Mr. Burris moved that the Committee now rise and ask leave to sit again,

Which motion Prevailed.

Tuesday, January 12, 1897.
11.30 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

Mr. Bradford moved to strike out lines ten, eleven, twelve, thirteen and fourteen as follows:

"Upon any vacancy happening in the office of Governor by his death, removal, resignation, or inability, the Lieutenant Governor shall exercise the office during the residue of the term, or until the disability shall cease,"

And to insert in lieu of lines ten, eleven, twelve, thirteen and fourteen, the following:

"Upon any vacancy happening in the office of Governor by his death, removal from office, or resignation, the Lieutenant Governor shall become Governor for the residue of the term; but in case of inability of the Governor the Lieutenant Governor shall exercise and be entitled to all the rights and emoluments of the office of Governor until such inability shall cease."

Mr. Cooper moved to amend Mr. Bradford's amendment by inserting after the word "resignation" in the second line the following, "or removal from the State."

Mr. Biggs moved to lay Mr. Bradford's amendment on the table,

Which motion Prevailed.

Mr. Bradford moved to strike out lines fifteen, sixteen, seventeen and eighteen, as follows:

"The Lieutenant Governor shall receive for his services the same compensation as shall be provided by law for the Speaker of the House of Representatives,"

And to insert in lieu thereof the following:

"The Lieutenant Governor shall, while acting as President of the Senate, receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and he shall receive no other compensation, except when he is acting as Governor, or as member of the Board of Pardons, or in such other capacity as shall be prescribed by law."

The motion Prevailed.

Mr. Spruance moved to adopt lines nineteen to twenty-four inclusive, as follows:

2. The following State officers shall be elected by the people of the State:

Attorney General.

State Treasurer.

Auditor.

Insurance Commissioner.

Mr. Saulsbury moved to act upon the lines separately,

Which motion Prevailed.

On the adoption of line 21, viz: "Attorney General,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs ,Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooper, Dasey, Ellegood,Gilchrist, Hering, Johnson, Martin, Moore, Murray, Orr, Pratt, Richards, Smithers, Spruance.

Nays—Messrs. Cooch, Donahoe, Evans, Horsey, Saulsbury.

Yeas, 21; nays, 5.

So the question was decided in the affirmative, and the line was adopted.

Mr. Richards moved to vote on lines twenty-two, twenty-three and twenty-four,

Which motion Prevailed.

And lines twenty-two, twenty-three and twenty-four were adopted, as follows:

State Treasurer.

Auditor.

Insurance Commissioner.

Mr. Spruance moved to adopt Section 2, as follows:

The following State officers shall be elected by the people of the State:

Attorney General.

State Treasurer.

Auditor.

Insurance Commissioner.

The motion Prevailed.

Mr. Spruance moved to adopt lines twenty-five to thirty-two inclusive, as follows:

The following county officers shall be elected by the people of the respective counties:

Prothonotary.

Clerk of the Peace.

Register of Wills.

Recorder of Deeds.

Register in Chancery and Clerk of the Orphans' Court.

Mr. Richards moved to strike out the word "Prothonotary" in line twenty-seven.

No action taken thereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Wednesday, January 13, 1897.
11.30 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on the Governor and Other Executive Officers,

Mr. Saulsbury in the chair.

Mr. Richards moved to strike out the word "Prothonotary" in line twenty-seven.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Cooch, Donahoe, Evans, Harman, Richards, Spruance.

Nays—Messrs. Biggs, Cannon, Carlisle, Cavender, Clark, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Hering, Horsey, Johnson, Martin, Moore, Murray, Pratt, Sapp, Saulsbury, Smithers, Wright.

Yeas, 7; nays, 21.

So the question was decided in the negative, and the motion was lost.

It was moved to adopt lines twenty-five to thirty-two inclusive, viz:

The following county officers shall be elected by the people of the respective counties:

Prothonotary.

Clerk of the Peace.

Register of Wills.

Recorder of Deeds.

Register in Chancery and Clerk of the Orphans' Court.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Cannon, Carlisle, Cavender, Clark, Cooper, Dasey, Ellegood, Gilchrist, Harman, Hearne, Hering, Johnson, Moore, Murray, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Nays—Messrs. Cooch, Donahoe, Evans, Horsey.

Yeas, 23; nays, 4.

So the question was decided in the affirmative, and the lines were adopted.

Mr. Spruance moved to adopt paragraph 4, viz:

All fees received by the Sheriffs and other county officers in excess of.....dollars shall be paid to the County Treasurer for the use of the county.

Mr. Pratt moved to strike out in line thirty-four the words "in excess of" and in line thirty-five the word "dollars."

Mr. Spruance moved to strike out in line thirty-five the word "dollars" and insert in lieu thereof the words "the amounts hereinafter to be provided."

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 4 o'clock, p. m.

The Committee of the Whole met to consider the first and second reports of the Committee on the Governor and Other Executive Officers,

Mr. Gilchrist in the chair.

Mr. Spruance moved to take up Section 9 of the first report,

Which motion Prevailed.

Mr. Spruance submitted the following amendment:

"Strike out of Section 9 the words from 'the Chancellor' to 'of them' inclusive, and insert in lieu thereof the following:

"A majority of the Board of Pardons,"

Which, upon his motion, was adopted.

Mr. Spruance moved to add the following additional section to Article III:

"The Board of Pardons shall be composed of the Chancellor, Lieutenant Governor, Secretary of State and State Treasurer.

"In case the Lieutenant Governor shall become Governor, by reason of a vacancy in the office of Governor as herein provided, he shall cease to be a member of said board, and the State Auditor shall become a member thereof; and in case the Lieutenant Governor shall be in the exercise of the office of Governor by reason of the inability of the Governor as herein provided, he shall not, while in the exercise of said office, be a member of the said board, but the State Auditor shall during said period be a member thereof.

"The said board may require information from the Attorney General upon any subject relating to the duties of the said board.

"The members of the said board shall receive for their services such compensation as shall be fixed by law."

Mr. Spruance moved that the further consideration of this amendment be postponed,

Which motion Prevailed.

Mr. Bradford moved to strike out in the second report lines ten, eleven, twelve, thirteen and fourteen and insert in lieu thereof the following:

"Upon any vacancy happening in the office of Governor, by his death, removal from office, resignation or otherwise, the Lieutenant Governor shall become Governor for the residue of the term; but in case of inability of the Governor, the Lieutenant Governor shall exercise the office of Governor, and be entitled to all the rights and emoluments thereof, until such inability shall cease,"

Which motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Thursday, January 14, 1897.
11 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Securing the Purity of the Ballot,

Mr. Martin in the chair.

The Committee of the Whole proceeded to consider the following report:

First report of the Committee on Securing the Purity of the Ballot:

The Committee on Securing the Purity of the Ballot recommend the adoption of the following as sections in the Constitution of Delaware, to be inserted under an appropriate title:

Section 1. Every person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding or in any manner influencing the giving or withholding a vote at any general, special, or municipal election in this State, or who shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such election, or who shall by the use or promise of any money or other valuable thing or otherwise cause any officer of election or registration officer to violate his official duty, or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty, shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than six months nor more than five years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court, and, if a male, shall

further for a term of ten years next following his sentence be incapable of voting at any such election. No person, other than the accused, shall in the prosecution for any offence mentioned in this section be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Section 2. Every prosecution for any of the offences mentioned in Section 1 of this Article shall be on information filed by the Attorney General, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or a petit jury. The accused, if adjudged guilty of the offence charged against him, shall have the right at any time within the space of three calendar months next after sentence pronounced to an appeal to the Court of Errors and Appeals. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not operate as a supersedeas, unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge.

On such appeal the Court of Errors and Appeals shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein and the law applicable thereto, and give final judgment accordingly, either affirming or reversing the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Court of Errors and Appeals shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Court of Errors and Appeals, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have

the right, at any time after its approval and until final judgment shall be rendered by the Court of Errors and Appeals, and, in case the judgment of the court below shall be affirmed, until the expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the proper county; and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for such taking and rendering.

All the judges entitled to sit in the Court of Errors and Appeals shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof; providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same when so printed or reduced to writing and of copies thereof, for the copying and certification of all documentary or other written or printed evidence in the cause in the court below and of the record therein; for the transmission to the Court of Errors and Appeals of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court; for the transmission to the court below of a certified copy of the final judgment of the Court of Errors and Appeals and of any additional sentence pronounced by said court, for the discharge of sureties in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Court of Errors and Appeals and the court below in cases of appeal under this section. From time to time hereafter whenever a majority of all the judges entitled to sit in the Court of Errors and Appeals shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court; and they, or a majority of them, shall have power to revise, amend, add to or annul any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section in such manner and to such extent as

in their judgment shall best serve to effectuate the purposes hereof.

EDWARD G. BRADFORD,
CHARLES B. EVANS,
PARIS T. CARLISLE, JR.,
ISAAC K. WRIGHT,
E. W. COOPER,
ROBERT W. DASEY.

Mr. Bradford, on behalf of the Committee on Securing the Purity of the Ballot, asked permission to insert in line six of Section 1 between the words "State" and "or" of the report under consideration the following, "or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election;"

And to strike out in line seven of Section 1 the word "election" and insert in lieu thereof the words "general, special municipal or primary election or convention or meeting."

Permission was granted to make the changes in the report under consideration.

Mr. Bradford moved to adopt Section 1, as amended, of the report under consideration.

No action taken hereon.

Mr. Cavender offered the following amendment: "In line nine, Section 1, insert between the words 'duty' and 'or' the words 'or any person to register or abstain from registration,' "

Which amendment Was Accepted.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 3.20 o'clock, p. m.

The Committee of the Whole met to consider further the first report of the Committee on Securing the Purity of the Ballot,

Mr. Martin in the chair.

Mr. Cavender withdrew his amendment offered this morning.

Mr. Bradford moved to amend by striking out in line sixteen, Section 1 of the report under consideration the word "election" and inserting in lieu thereof the words "general, special, municipal or primary election or convention or meeting."

The motion Prevailed.

Mr. Cavender renewed his motion of this morning, viz:

"In line nine, Section 1, insert between the words 'duty' and 'or' the words 'or any person to register or abstain from registration.' "

Mr. Spruance moved to strike out of Mr. Cavender's amendment the words "or any person to be registered."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Carlisle, Clark, Cooper, Donahoe, Gilchrist, Hearne, Johnson, Smithers, Spruance.

Nays—Messrs. Biggs, Bradford, Cavender, Dasey, Ellegood, Harman, Horsey, Martin, Moore, Richards, Sapp, Saulsbury, Wright.

Yeas, 10; nays, 13.

So the question was decided in the negative, and the motion was lost.

Mr. Cavender moved to adopt his amendment, as follows:

"In line nine of Section 1 of the report under consideration insert between the words 'duty' and 'or' the words 'or any person to register or abstain from registration.'"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Cannon, Cavender, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Harman, Hearne, Horsey, Johnson, Martin, Moore, Pratt, Richards, Sapp, Saulsbury, Smithers, Wright.

Nays—Messrs. Carlisle, Clark, Spruance.

Yeas, 21; nays, 3.

So the question was decided in the affirmative, and the amendment was adopted.

Mr. Spruance moved that further consideration of this section be postponed,

Which motion Prevailed.

Mr. Bradford moved to adopt Section 2 of the first report of the Committee on Securing the Purity of the Ballot from line one to line fifty-three inclusive, as follows:

Section 2. Every prosecution for any of the offences mentioned in Section 1 of this Article shall be on information filed by the Attorney General, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or a petit jury. The accused, if adjudged guilty of the offence charged against him, shall have the right at any time within the space of three calendar months next after sentence pronounced to an appeal to the Court of Errors and Appeals. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not operate as a supersedeas, unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge.

On such appeal the Court of Errors and Appeals shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein and the law applicable thereto, and give final judgment accordingly, either affirming or reversing the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Court of Errors and Appeals shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Court of Errors and Appeals, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have the right, at any time after its approval and until final judgment shall be rendered by the Court of Errors and Appeals, and, in case the judgment of the court below shall be affirmed, until expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the proper county; and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for such taking and rendering.

All the judges entitled to sit in the Court of Errors and Appeals shall, as soon as conviently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof; providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same when so printed or reduced to writing and of copies thereof, for the copying and certification of all documentary or other written or printed evidence in the cause in the court below and of the record therein; for the transmission to the Court of Errors and Appeals of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court; for the trans-

mission to the court below of a certified copy of the final judgment of the Court of Errors and Appeals and of any additional sentence pronounced by said court, for the discharge of sureties in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Court of Errors and Appeals and the court below in cases of appeal under this section. From time to time hereafter whenever a majority of all the judges entitled to sit in the Court of Errors and Appeals shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court; and they, or a majority of them, shall have power to revise, amend, add to or annul any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section in such manner and to such extent as in their judgment shall best serve to effectuate the purposes hereof.

Motion to rise, report progress and ask leave to sit again, prevailed.

Friday, January 15, 1897.
11 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Securing the Purity of theBallot,

Mr. Dasey in the chair.

Mr. Bradford moved to suspend further consideration of Section 2 and to take up Section 1 for consideration,

Which motion Prevailed.

Mr. Pratt moved to reconsider the vote by which Mr. Cavender's amendment of yesterday was adopted, as follows: "In line nine, Section 1 insert between the words 'duty' and 'or' the words 'or any person to register or abstain from registration,' "

Which motion Prevailed.

Mr. Pratt moved as a substitute for Mr. Cavender's amendment to insert in line nine, Section 1, between the words "duty" and "or" the words "or who shall by the use or promise of money or other valuable thing influence any person to be registered or abstain from being registered."

Mr. Spruance moved to strike out all after the words "or who" of Mr. Pratt's amendment and insert "in order to influence the vote of any person, or persons, or prevent any person from voting, shall by the use or promise of money or other valuable thing influence such person to be registered or abstain from being registered."

Mr. Spruance moved that the further consideration of Section 1 be postponed and that Section 2 be taken up.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Donahoe, Harman, Martin, Sapp, Spruance.

Nays—Messrs. Biggs, Bradford, Burris, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hearne, Horsey, Moore, Murray, Pratt, Richards, Smithers, Wright.

Yeas, 6; nays, 19.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Spruance's amendment,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Cannon, Clark, Gilchrist, Johnson, Moore, Murray, Sapp, Smithers, Spruance.

Nays—Messrs. Bradford, Burris, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Harman, Hearne, Horsey, Pratt, Richards, Wright.

Yeas, 10; nays, 15.

So the question was decided in the negative, and the amendment was lost.

On Mr. Pratt's substitute,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Harman, Hearne, Horsey, Johnson, Moore, Murray, Pratt, Richards, Sapp, Wright.

Nays—Messrs. Clark, Smithers, Spruance.

Yeas, 22; nays, 3.

So the question was decided in the affirmative, and the substitute was adopted.

Mr. Bradford moved to adopt Section 1, as amended, as follows:

"Section 1. Every person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding or in any manner influencing the giving or withholding a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election, or who shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting; or who shall, by the use or promise of money or other valuable thing, or otherwise, cause any officer of election or registration officer to violate his official duty; or who shall by the use or promise of money or other valuable thing influence any person to be registered or abstain from being registered; or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty, shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than six months nor more than five years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court; and, if a male, shall further for a term of ten years next following his sentence be incapable of voting at any such general, special, municipal or primary election or convention or meeting. No person, other than the accused, shall, in the prosecution for any offence mentioned in this section, be permitted to withhold his testimoney on the ground that it may criminate himself or subject him to public infamy; but such testimoney shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gil-

christ, Harman, Hearne, Horsey, Johnson, Moore, Murray, Pratt, Richards, Sapp, Smithers, Wright.

Nay—Mr. Spruance.

Yeas, 23; nay, 1.

So the question was decided in the affirmative, and the section, as amended, was adopted.

Motion to rise, report progress and ask leave to sit again, prevailed.

Wednesday, January 20, 1897.
11 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Securing the Purity of the Ballot,

Mr. Cavender in the chair.

Mr. Bradford moved to reconsider the vote of January 15 inst., by which Section 1, as amended, of the first report of the Committee on Securing the Purity of the Ballot was adopted,

Which motion Prevailed.

Mr. Bradford moved to amend Section 1, as follows:

"Section 1. Every person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding or in any manner influencing the giving or withholding a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election; or who shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting, or upon a vote thereat by any person; or who shall, by the use or promise of money or other valuable thing, or otherwise, cause, or attempt to cause, any officer of election or registration officer to violate his official duty; or who shall, by the use or promise of money or other valuable thing, influence, or attempt to influence, any person to be registered or abstain from being registered; or who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty; or who shall,

by force, threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered or any person qualified to vote from voting according to his choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than six months nor more than five years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court; and, if a male, shall further for a term of ten years next following his sentence be incapable of voting at any such general, special, municipal or primary election or convention or meeting. No person, other than the accused, shall in the prosecution for any offence mentioned in this section, be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony."

And further, on Mr. Bradford's motion, and by unanimous consent, the amendments were adopted.

Mr. Spruance moved to postpone further consideration of Section 1 and amendments,

Which motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 3.10 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

Mr. Spruance discussed the report under consideration.

Motion to rise, report progress and ask leave to sit again, prevailed.

Thursday, January 21, 1897.
11 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

Mr. Spruance offered the following:

Amend Section 2 by adding at the end thereof the following:

"No conviction for any of the offences enumerated in the first section of this amendment shall be had without the concurrence of all the judges trying the case; and upon appeal no judgment of conviction for any of said offences shall be affirmed without the concurrence of all the judges of the Court of Appeals trying such appeal."

The motion Was Withdrawn.

Motion to rise, report progress and ask leave to sit again, prevailed.

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Same Day, 2.45 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

The afternoon was spent in discussing the report.

Motion to rise, report progress and ask leave to sit again, prevailed.

Friday, January 22, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider the first and second reports of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

The second report of the Committee on Securing the Purity of the Ballot was as follows:

Section 3. The enumeration of the offences mentioned in Section 1 of this Article shall not preclude the General Assembly from defining and providing for the punishment of other offences against the freedom and purity of the ballot, or touching the conduct, returns or ascertainment of the result of general, special or municipal elections, or of primary elections, conventions or meetings held for the nomination of candidates to be voted for at general, special or municipal elections.

EDWARD G. BRADFORD,
PARIS T. CARLISLE, Jr.,
E. W. COOPER,
ISAAC K. WRIGHT,
ROBERT W. DASEY.

Mr. Bradford moved to insert in line two, Section 2 of the first report of the Committee on Securing the Purity of the Ballot between the words "General" and "and" the words "after examination and commitment or holding to bail by a judge or justice of the peace," so that the first sentence of Section 2 will be as follows:

"Section 2. Every prosecution for any of the offences mentioned in Section 1 of this Article shall be on information filed by the Attorney General, after examination and commitment or holding to bail by a judge or justice of the peace, and

the cause shall be heard, tried and determined by the court without the intervention of either a grand or petit jury."

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.32 o'clock, p. m.

The Committee of the Whole met to consider the first and second reports of the Committee on Securing the Purity of the Ballot,

Mr. Saulsbury in the chair.

Mr. Bradford moved to adopt Section 1, as amended, as follows:

Section 1. Every person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding or in any manner influencing the giving or withholding a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election; or who shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting, or upon a vote thereat by any person; or who shall, by the use or promise of money or other valuable thing, or otherwise, cause, or attempt to cause, any officer of election or registration officer to violate his official duty; or who shall, by the use or promise of money or other valuable thing, influence, or attempt to influence, any person to be registered or abstain from being registered; or

who, being an officer of election or registration officer, shall knowingly and wilfully violate his official duty; or who shall, by force, threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered, or any person qualified to vote from voting according to his choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than six months nor more than five years, or shall suffer both fine and imprisonment within said limits, at the discretion of the court; and, if a male, shall further for a term of ten years next following his sentence be incapable of voting at any such general, special, municipal or primary election or convention or meeting. No person, other than the accused, shall in the prosecution for any offence mentioned in this section, be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Mr. Spruance moved to strike out the words "or who shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting or upon a vote thereat by any person."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Clark, Donahoe, Hering, Johnson, Murray, Saulsbury, Smithers, Spruance.

Nays—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Moore, Orr, Pratt, Richards, Sapp, Wright.

Yeas, 9; nays, 18.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Bradford's motion to adopt Section 1, as amended,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Johnson, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Wright.

Nays—Messrs. Clark, Hering, Smithers, Spruance.

Yeas, 23; nays, 4.

So the question was decided in the affirmative, and the section, as amended, was adopted.

Mr. Bradford moved to amend Section 2 by striking out the word "proper" in line twenty-seven and inserting between the words "county" and "and" in said line the words "in which he was sentenced,"

Which motion Prevailed.

Mr. Bradford moved to amend Section 2 by inserting between the words "rendering" and "all" in line twenty-nine the words "If the Court of Errors and Appeals shall reverse any judgment of the court below imposing the payment of a fine, and if the accused shall have fully paid such fine and the costs of prosecution, the amount thereof shall be refunded to the appellant through a warrant drawn by the court below on the treasurer of the county in which the accused was sentenced."

The motion Prevailed.

Mr. Bradford moved to amend Section 2 by inserting in line forty-six between the words "section" and "from" the words "The said judges, or a majority of them, met as aforesaid may also provide that when complaint shall be made in due form, prescribed by them, to any judge entitled to sit in the Court of Errors and Appeals, that any offence mentioned in Section 1 of this Article has been committed in the county in which said judge shall reside, such judge shall have power to cause the person charged with such offence to be arrested

within any county of this State and brought before him, and to bind him with sufficient surety, or, for want of bail, commit him for his appearance and answer at the next term of the Court of General Sessions in such manner and under and pursuant to such rules and regulations as the said judges, or a majority of them, shall prescribe."

The motion Prevailed.

Mr. Bradford moved to amend Section 2 by inserting in line fifty-twobetween the words "Section" and "in" the words "or arrest and binding or commitment for appearance and answer."

The motion Prevailed.

Mr. Spruance moved to amend Section 2, as follows: Strike out the words "on information filed by the Attorney General, after examination and commitment or holding to bail by a judge or justice of the peace" and insert in lieu thereof the words "on indictment found by the grand jury."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs.Clark, Donahoe, Hering, Johnson, Murray, Saulsbury, Smithers, Spruance.

Nays—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Moore, Orr, Pratt, Richards, Sapp, Wright.

Yeas, 8; nays, 19.

So the question was decided in the negative, and the motion was lost.

Mr. Spruance moved to amend Section 2, as follows: Strike out all of Section 2 from line three to line fifty-three inclusive, and insert in lieu thereof the following, "be tried by a special jury to be selected, summoned and empannelled as the court by general rule or rules may provide."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Clark, Donahoe, Hering, Murray, Saulsbury, Smithers, Spruance.

Nays—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Johnson, Moore, Orr, Pratt, Richards, Sapp, Wright.

Yeas, 7; nays, 20.

S the question was decided in the negative, and the motion was lost.

Mr. Spruance moved to amend Section 2 by adding at the end thereof the following:

"No person shall be adjudged guilty of any offence mentioned in Section 1 of this Article without the concurrence of all of the judges trying the case; and upon appeal no judgment of the court below shall be affirmed without the concurrence of all of the judges of the Court of Errors and Appeals sitting in the case, and their failure to concur as aforesaid shall operate as a reversal of the judgment of the court below; provided, however, that such concurrence of the judges sitting in the Court of Errors and Appeals shall not be necessary for the affirmance of the judgment of the court below where the appellant shall fail to prosecute his appeal pursuant to the rules and practice herein provided for."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Hering, Horsey, Johnson, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Yeas, 24; nays, none.

So the question was decided in the affirmative, and the amendment was adopted.

Mr. Bradford moved to adopt Section 2, as amended, as follows:

Section 2. Every prosecution for any of the offences mentioned in Section 1 of this Article shall be on information filed by the Attorney General, after examination and commitment or holding to bail by a judge or justice of the peace, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or a petit jury. The accused, if adjudged guilty of the offence charged against him, shall have the right at any time within the space of three calendar months next after sentence pronounced to an appeal to the Court of Errors and Appeals. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not operate as a supersedeas, unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge.

On such appeal the Court of Errors and Appeals shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein and the law applicable thereto, and give final judgment accordingly, either affirming or reversing the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Court of Errors and Appeals shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Court of Errors and Appeals, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have the right, at any time after its approval and until final judgment shall be rendered by the Court of Errors and Appeals, and, in case the judgment of the court below shall be affirmed, until expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the county in which he was sentenced, and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for such taking and render-

ing. If the Court of Errors and Appeals shall reverse any judgment of the court below imposing the payment of a fine, and if the accused shall have fully paid such fine and the costs of prosecution, the amount thereof shall be refunded to the appellant through a warrant drawn by the court below on the treasurer of the county in which the accused was sentenced.

All the judges entitled to sit in the Court of Errors and Appeals shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof; providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same when so printed or reduced to writing and of copies thereof, for the copying and certification of all documentary or other written or printed evidence in the cause in the court below and of the record therein; for the transmission to the Court of Errors and Appeals of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court; for the transmission to the court below of a certified copy of the final judgment of the Court of Errors and Appeals and of any additional sentence pronounced by said court, for the discharge of sureties in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Court of Errors and Appeals and the court below in cases of appeal under this section. The said judges, or a majority of them, met as aforesaid, may also provide that when complaint shall be made in due form, prescribed by them, to any judge entitled to sit in the Court of Errors and Appeals, that any offence mentioned in Section 1 of this Article has been committed in the county in which said judge shall reside, such judge shall have power to cause the person charged with such offence to be arrested within any county of this State and brought before him, and to bind him with sufficient surety, or, for want of bail, commit him for his appearance and answer at the next term of the Court of General Sessions in such manner and under and pursuant to such

rules and regulations as the said judges, or a majority of them, shall prescribe. From time to time hereafter whenever a majority of all the judges entitled to sit in the Court of Errors and Appeals shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court; and they, or a majority of them, shall have power to revise, amend, add to or annul any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section, or arrest and binding or commitment for appearance and answer in such manner and to such extent as in their judgment shall best serve to effectuate the purposes hereof.

No person shall be adjudged guilty of any offence mentioned in Section 1 of this Article without the concurrence of all of the judges trying the case; and upon appeal no judgment of the court below shall be affirmed without the concurrence of all of the judges of the Court of Errors and Appeals sitting in the case, and their failure to concur as aforesaid shall operate as a reversal of the judgment of the court below; provided, however, that such concurrence of the judges sitting in the Court of Errors and Appeals shall not be necessary for the affirmance of the judgment of the court below where the appellant shall fail to prosecute his appeal pursuant to the rules and practice herein provided for.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Johnson, Murray, Orr, Pratt, Richards, Sapp, Wright.

Nays—Messrs. Donahoe, Hering, Saulsbury, Smithers, Spruance.

Yeas, 19; nays, 5.

So the question was decided in the affirmative, and the section, as amended, was adopted.

Mr. Bradford moved to adopt Section 3, as follows:

Section 3. The enumeration of the offences mentioned in Section 1 of this Article shall not preclude the General As-

sembly from defining and providing for the punishment of other offences against the freedom and purity of the ballot, or touching the conduct, returns or ascertainment of the result of general, special or municipal elections, or of primary elections, conventions or meetings held for the nomination of candidates to be voted for at general, special or municipal elections.

No action taken thereon.

Mr. Bradford moved to amend Section 3 by adding to it the following:

"No prosecution under any act of the General Assembly passed pursuant to this section shall be subject to the provisions of Section 2 of this Article."

The motion Prevailed.

Mr. Bradford moved to adopt Section 3, as amended, as follows:

Section 3. The enumeration of the offences mentioned in Section 1 of this Article shall not preclude the General Assembly from defining and providing for the punishment of other offences against the freedom and purity of the ballot, or touching the conduct, returns or ascertainment of the result of general, special or municipal elections, or of primary elections, conventions or meetings held for the nomination of candidates to be voted for at general, special or municipal elections. No prosecution under any act of the General Assembly passed pursuant to this section shall be subject to the provisions of Section 2 of this Article.

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Tuesday, January 26, 1897.
11.30 o'clock, a. m.

The Committee of the Whole met to consider the first and second reports of the Committee on the Governor and Other Executive Officers,

Mr. Saulsbury in the chair.

The Secretary read the journals relating to the reports under consideration.

Mr. Richards moved to amend Mr. Spruance's motion of the 13th instant, by striking out the words "Chancellor, State Treasurer" and inserting after the words "Secretary of State" the following, "The Register of Wills of the respective counties," so it will read, "The Board of Pardons shall be composed of the Lieutenant Governor, Secretary of State and the Register of Wills of the respective counties."

Mr. Cooper moved to amend Mr. Spruance's motion of the 13th instant, by striking out the words "Secretary of State" and inserting in lieu thereof the word "Chancellor."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cooper, Evans, Saulsbury.

Nays—Messrs. Cannon, Clark, Cooch, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Hering, Horsey, Johnson, Murray, Pratt, Richards, Smithers, Spruance, Wright.

Yeas, 4; nays, 17.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Richards' motion,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Clark, Dasey, Gilchrist, Hearne, Hering, Murray, Pratt, Richards, Smithers, Spruance, Wright.

Nays—Messrs. Biggs, Cooper, Donahoe, Ellegood, Evans, Horsey, Johnson, Saulsbury.

Yeas, 13; nays, 8.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Spruance moved to adopt the paragraph as amended, as follows:

Add the following additional section to Article III:

"The Board of Pardons shall be composed of the Lieutenant Governor, Secretary of State and the Register of Wills of the respective counties."

The motion Prevailed.

Mr. Spruance, by unanimous consent of the Committee of the Whole, withdrew the second paragraph of his motion of the 13th inst., and inserted the following:

"In case the Lieutenant-Governor shall become Governor or be in the exercise of the office of Governor as herein provided, he shall cease to be a member of the said board, and the State Treasurer shall become a member thereof."

Mr. Cooper moved to amend Mr. Spruance's motion by striking out all after the words "he shall cease to be a member of the said board,"

Which motion Prevailed.

Recurring to Mr. Spruance's paragraph as amended, it was adopted, as follows:

"In case the Lieutenant-Governor shall become Governor or be in the exercise of the office of Governor as herein provided, he shall cease to be a member of the said board."

Mr. Spruance moved to adopt the third paragraph as follows:

"The said board may require information from the Attorney-General upon any subject relating to the duties of the said board."

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 3.40 o'clock, p. m.

The Committee of the Whole met to consider the first and second reports of the Committee on the Governor and Other Executive Officers,

Mr. Gilchrist in the chair.

Mr. Spruance, by permission of the Committee, withdrew the fourth paragraph of his motion of the 13th inst., which was as follows:

"The members of the said board shall receive for their services such compensation as shall be fixed by law."

Mr. Spruance moved to adopt the first report of the Committee on the Governor and Other Executive Officers as amended,

Which motion Prevailed.

Mr. Spruance moved that the chairman report to the Convention this report adopted as amended,

Which motion Prevailed.

Mr. Spruance moved to reconsider the vote by which was

adopted the substitute for lines fifteen, sixteen, seventeen, and eighteen of the second report under consideration,

Which motion Prevailed.

Mr. Spruance moved to adopt for that which was reconsidered the following:

"The Lieutenant Governor shall, while acting as President of the Senate, or as a member of the Board of Pardons, or as Governor during a temporary disability of the Governor, receive for his services the same compensation as the Speaker of the House of Representatives."

The motion Prevailed.

Mr. Spruance moved to adopt Section 1, as amended, as follows:

Section 1. A Lieutenant Governor shall be elected at the same time and for the same term as the Governor; he shall possess the same qualifications of eligibility for the office as the Governor, and he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

Upon any vacancy happening in the office of Governor, by his death, removal from office, resignation or otherwise, the Lieutenant Governor shall become Governor for the residue of the term; but in case of inability of the Governor, the Lieutenant Governor shall exercise the office of Governor, and be entitled to all the rights and emoluments thereof, until such inability shall cease.

The Lieutenant Governor shall, while acting as President of the Senate, or as a member of the Board of Pardons, or as Governor during a temporary disability of the Governor, receive for his services the same compensation as the Speaker of the House of Representatives.

The motion Prevailed.

Mr. Spruance moved to strike out Section 4 and insert in lieu thereof the following:

"All sheriffs and other county officers shall receive for their services such compensation as the General Assembly may

provide and shall by law be required to collect all fees promptly and pay the same to the county treasurer for the use of the county."

Mr. Cooper offered as a substitute for Mr. Spruance's motion, the following:

"All fees received by the sheriffs and other county officers shall be paid to the county treasurer for the use of the county. Suitable salaries for such officers shall be fixed by law, and the General Assembly shall make provision for the full and proper collection of all legal fees.

The substitute was accepted by Mr. Spruance.

Mr. Biggs offered as a substitute for Mr. Cooper's motion the following:

"All sheriffs and other county officers shall receive for their services such annual salaries as the General Assembly may provide, and shall by law be required to collect all fees promptly, and after deducting from the fees collected by them their annual salaries, so provided by law, shall pay the remainder over to the county treasurer for the use of the county."

No action taken thereon.

Mr. Saulsbury moved to lay Section 4, with all amendments, on the table indefinitely,

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Wednesday, January 27, 1897.
10.50 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on the Governor and Other Executive Officers,

Mr. Murray in the chair.

Mr. Spruance moved that when this Committee rises, that it report favorably on the first three sections of the second report of the Committee on the Governor and Other Executive Officers, and that it recommend that the fourth section be recommitted to the Committee on the Governor and Other Executive Officers,

Which motion Prevailed.

Motion to rise, report progress and ask leavé to sit again, prevailed.

———

Same Day, 11.15 o'clock, a. m.

The Committee of the Wholé met to consider the first report of the Committee on Elections,

Mr. Evans in the chair.

Mr. Spruance moved to amend Section 2 of the first report of the Committee on Elections by striking out all after the words "Section 2" in the nineteenth line of the report to the word "shall" in the twenty-seventh line and inserting in lieu thereof the following:

"No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise

to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special, or municipal election in this State."

And further to amend Section 2 by striking out all after the word "not" in the thirtieth line and inserting in lieu thereof the following:

"Received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election. Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false the person making the same shall be guilty of perjury."

Withdrawn temporarily.

Mr. Hering moved to strike out Section 2 of this report.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Clark, Donahoe, Hering, Murray, Smithers.

Nays—Messrs. Biggs, Bradford, Burris, Cannon, Cavender, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hearne, Horsey, Moore, Pratt, Richards, Sapp, Saulsbury, Spruance, Wright.

Yeas, 6; nays, 20.

So the question was decided in the negative, and the motion was lost.

Mr. Spruance renewed his motion.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 4.10 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Elections,

Mr. Gilchrist in the chair.

Mr. Spruance moved to adopt Section 2, and amendments, of the first report of the Committee on Elections, as follows:

Section 2. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special, or municipal election in this State shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election. Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false the person making the same shall be guilty of perjury.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Cavender, Cooper, Dasey, Ellegood, Gilchrist, Harman, Hearne, Horsey, Moore, Pratt, Richards, Sapp, Saulsbury, Spruance, Wright.

Nays—Messrs. Clark, Donahoe, Hering, Smithers.

Yeas, 19; nays, 4.

So the question was decided in the affirmative, and the section and amendments were adopted.

Mr. Richards moved to amend Section 1 by striking out the words "three months" and inserting in lieu thereof the word "month" in line ten.

The yeas and nays were ordered, which, being taken, were as follows:

Yea—Mr. Richards.

Nays—Messrs. Biggs, Bradford, Burris, Cannon, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Harman, Hearne, Horsey, Moore, Orr, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright.

Yea, 1; nays, 22.

So the question was decided in the negative, and the motion was lost.

Mr. Spruance moved to adopt Section 1, as amended, as follows:

Section 1. Every male citizen of this State of the age of twenty-one years, who shall have been a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last fifteen days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, for all officers that now are or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people.

The motion Prevailed.

Mr. Spruance moved to strike out lines fifty-five, fifty-six and fifty-seven, Section 3.

Motion to rise, report progress and ask leave to sit again, prevailed.

Thursday, January 28, 1897.
3.25 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on the Legislature,

Mr. Moore in the chair.

The Committee of the Whole proceeded to consider the following report:

The Committee on the Legislature recommends the adoption of the following as sections in the Constitution, to be inserted under an appropriate title:

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, unless sooner convened by the Governor.

Section 6. Each House shall judge of the elections, returns and qualifications of its own members; and a majority of all the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

Section 7. Each House may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected thereto expel a member, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Section 16. No divorce shall be granted, nor alimony allowed, except by the judgment of a court, as shall be prescribed by law.

Section 17. Lotteries, the sale of lottery tickets, pool selling, and all other forms of gambling are prohibited in this State. The General Assembly shall enforce this section by appropriate legislation.

Section 18. No bill or joint resolution shall embrace more than one subject, which shall be expressed in its title; but a bill or joint resolution in violation of this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed.

Section 19. The members of the General Assembly shall receive as compensation for their services a per diem allowance which shall be prescribed by law for each day of their session, not exceeding ——— days; and, should they remain longer in session, they shall serve without compensation. In case a special or extra session of the General Assembly be called the members shall receive like compensation for a period not exceeding ——— days.

GEORGE H. MURRAY,
WILLIAM SAULSBURY,
J. WILKINS COOCH,
EDWARD G. BRADFORD.

Mr. Saulsbury moved to adopt Section 1, as follows:

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

The motion Prevailed.

Mr. Bradford moved to adopt Section 4,

The Secretary read Section 4 as follows:

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, unless sooner convened by the Governor.

Mr. Bradford moved to amend Section 4 by striking out the words, "unless sooner convened by the Governor," and insert in lieu thereof the words "and at such other times as the Governor shall convene the same,"

Which motion Prevailed.

Mr. Saulsbury moved to adopt Section 4, with amendments, as follows:

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, and at such other times as the Governor shall convene the same,

Which motion Prevailed.

Mr. Murray moved to adopt Section 6.

The Secretary read Section 6, as follows:

Section 6. Each House shall judge of the elections, returns and qualifications of its own members; and a majority of all the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner, and under such penalties, shall be deemed expedient.

Mr. Smithers moved to amend Section 1 by inserting in line 2 between the words "members" and "and" the words "but no person having received less than a plurality of the votes cast shall be eligible as such member,"

Which motion Was Lost.

Mr. Bradford moved that the words "be authorized" in line 5, Section 6, be stricken out and the words "have power" inserted in lieu thereof,

Which motion Prevailed.

Mr. Murray moved to adopt Section 6, with amendments, as follows:

Section 6. Each House shall judge of the elections, returns, and qualifications of its own members; and a majority of all the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

The motion Prevailed.

Mr. Murray moved to adopt Section 7, as follows:

Section 7. Each House may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected thereto expel a member, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

The motion Prevailed.

Mr. Murray moved to adopt Section 16, as follows:

Section 16. No divorce shall be granted, nor alimony allowed, except by the judgment of a court, as shall be prescribed by law.

Mr. Bradford moved to amend Section 16, by inserting in line 3 between the words "by" and "law" the words "general and uniform,"

Which motion Prevailed.

Mr. Bradford moved to adopt Section 16, as amended, as follows:

Section 16. No divorce shall be granted, nor alimony allowed, except by the judgment of a court, as shall be prescribed by general and uniform law.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cavender, Cooch, Donahoe, Ellegood, Gilchrist, Harman, Hering, Moore, Murray, Orr, Saulsbury, Smithers, Wright.

Nay—Mr. Johnson.

Yeas, 16; nay, 1.

So the question was decided in the affirmative, and the section, as amended, was adopted.

Mr. Murray moved to adopt Section 17, as follows:

Section 17. Lotteries, the sale of lottery tickets, pool-selling and all other forms of gambling are prohibited in this State. The General Assembly shall enforce this section by appropriate legislation.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cavender, Cooch, Donahoe, Ellegood, Gilchrist, Harman, Johnson, Moore, Murray, Orr, Saulsbury, Smithers, Wright.

Yeas, 16; nays, 0.

So the question was decided in the affirmative, and the section was adopted.

Mr. Murray moved to adopt Section 18, as follows:

Section 18. No bill or joint resolution shall embrace more than one subject, which shall be expressed in its title; but a bill or joint resolution in violation of this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed,

Which motion Prevailed.

Mr. Murray moved to adopt Section 19, as follows:

Section 19. The members of the General Assembly shall receive as compensation for their services a per diem allowance which shall be prescribed by law for each day of their session, not exceeding.....days; and, should they remain longer in session, they shall serve without compensation. In case a special or extra session of the General Assembly be called the members shall receive like compensation for a period not exceeding.....days.

Mr. Cooch moved to fill the blank in line four by inserting "sixty,"

Which motion Prevailed.

Mr. Cooch moved to fill the blank in line nine by inserting "twenty,"

Which motion Prevailed.

Mr. Saulsbury moved to amend Section 19 by adding, after the word "days," line nine, the following:

"The cost to the State for stationery and other supplies for each member of the General Assembly shall not exceed the sum of twenty-five dollars for any one session."

Mr. Cooch moved to amend Mr. Saulsbury's motion by striking out the words "twenty-five" and inserting in lieu thereof the word "twenty,"

Which motion Was Withdrawn.

Recurring to Mr. Saulsbury's proposed amendment, it prevailed.

There no longer being a quorum present, the Committee of the Whole rose.

Friday, January 29, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on the Legislature,

Mr. Cooch in the chair.

Mr. Saulsbury moved to reconsider the vote by which all after the word "days," line nine, Section 19, was adopted yesterday,

Which motion Was Lost.

Mr. Gilchrist moved to amend Section 19 by inserting after the word "law," line three, the words "not to exceed five dollars."

Mr. Biggs moved to lay the amendment on the table for further consideration,

Which motion Prevailed.

Mr. Bradford moved to reconsider the vote by which Section 18 was adopted yesterday,

Which motion Prevailed.

Mr. Bradford moved to amend Section 18, by inserting between the words "shall" and "embrace," line one, the words, "except general appropriation bills,"

Which motion Prevailed.

Mr. Bradford moved to reconsider the vote by which Section 17 was adopted yesterday.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Carlisle, Donahoe, Hering, Pratt, Sapp, Smithers.

Nays—Messrs. Bradford, Burris, Cavender, Clark, Cooch, Ellegood, Gilchrist, Johnson, Moore, Saulsbury, Wright.

Yeas, 7; nays, 11.

So the question was decided in the negative, and the motion was lost.

Mr. Saulsbury moved that Section 18, as amended, be adopted, as follows:

Section 18. No bill or joint resolution shall embrace more than one subject, which shall be expressed in its title; but a bill or joint resolution in violation of this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed, except general appropriation bills.

The motion Prevailed.

Mr. Saulsbury moved to take up for consideration Section 19,

Which motion Prevailed.

Mr. Gilchrist renewed his motion to amend Section 19.

No action taken hereon.

Mr. Saulsbury moved to report the adoption of Sections 1, 4, 6, 7, 16, 17, 18 and to recommend that Section 19 be recommitted to the Committee on the Legislature,

Which motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.40 o'clock, p. m.

The Committee of the Whole met to consider Section 19 of the first report of the Committee on the Legislature,

Mr. Cooch in the chair.

Mr. Bradford moved to amend by striking all out after the words "Section 19" and inserting in lieu thereof, the following:

"The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of five dollars, and the presiding officers a per diem allowance of seven dollars for each day of their session, not exceeding sixty days; and should they remain longer in session they shall serve without compensation. In case a special or extra session of the General Asembly be called the members and presiding officers shall receive like compensation for a period not exceeding twenty days. The cost to the State for stationery and other supplies for each member of the General Assembly shall not exceed the sum of twenty-five dollars for any one session."

Mr. Hering moved to strike out of Mr. Bradford's proposed amendment the word "seven" and insert in lieu thereof the word "six."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Cooch, Donahoe, Gilchrist, Hearne, Horsey, Johnson, Moore, Sapp, Smithers, Spruance, Wright.

Nays—Messrs. Biggs, Bradford, Burris, Clark, Ellegood, Pratt.

Yeas, 12; nays, 6.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Donahoe moved to further amend by inserting at the end of Section 19, the following, "and they shall not accept any form of a pass or other free transportation gift from any railroad or other manner of transportation,"

Which motion Was withdrawn.

Mr. Bradford moved to adopt Section 19, as amended.

Mr. Pratt moved to strike out the word "their" in line four and insert in lieu thereof the word "the,"

Which motion Prevailed.

Recurring to Mr. Bradford's motion to adopt Section 19, as amended, as follows:

The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of five dollars, and the presiding officers a per diem allowance of six dollars, for each day of the session, not exceeding sixty days; and should they remain longer in session they shall serve without compensation. In case a special or extra session of the General Assembly be called the members and presiding officers shall receive like compensation for a period not exceeding twenty days. The cost to the State for stationery and other supplies for each member of the General Assembly shall not exceed the sum of twenty-five dollars for any one session.

The motion Prevailed.

Mr. Bradford moved that this Committee rise, and report the adoption of Section 19, with amendments,

Which motion Prevailed.

Tuesday, February 2, 1897.
11.05 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Corporations,

Mr. Gilchrist in the chair.

The Committee of the Whole proceeded to consider the following report:

The Committee on Corporations recommend the following amendments to the Constitution:

Strike out all of Section 17 of Article II and insert in lieu thereof the following:

Section 1. The term corporations as used in this Article shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

Section 2. No corporation in existence at the adoption of this Constitution shall have the benefit of future legislation without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Section 3. All existing charters or grants of special and exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution shall thereafter be void and of no effect.

Section 4. Corporations may be formed under general laws, but shall not be created by special act, nor shall any existing charter be extended, changed or amended by special

laws, except municipal corporations and corporations for charitable, penal, reformatory, or educational purposes under the patronage of the State.

The General Assembly shall also by general laws provide for the revocation or forfeiture of the charters of any or all corporations guilty of abuse or misuse of their corporate powers, privileges or franchises or whenever said corporations become detrimental to the interests or welfare of the State or its citizens.

No corporation, however, under such general law shall exercise the franchises thereby conferred until one-fifth of the par value of its authorized capital stock shall have been actually paid in, in cash.

Section 5. No corporation shall issue stocks or bonds except for money paid, labor done or personal property in actual possession, or the fee simple title to real estate actually acquired by such corporation, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time the said labor was done or property delivered or title acquired.

The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of persons holding the larger amount in value of the stock, first obtained at a meeting called for the purpose, sixty days public notice thereof having been first given, as may be provided by law.

Section 6. Each owner of stock in any private corporation to be conducted for pecuniary profit shall be individually liable for the debts of such corporation in an amount which, together with the real value of the stock owned by him, will amount to the full value of such stock, and such additional liability as shall be prescribed by law.

Section 7. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by

enactment of the Legislature, receiving the affirmative vote of two-thirds of all the members of each branch thereof, and subsequently approved by a majority of all the votes cast at the next general election held after such enactment.

Section 8. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold any real estate for a longer period than six years, except such as may be necessary and proper for carrying on its legitimate business.

Section 9. All corporations formed under the laws of this State, or carrying on business in this State, shall, at all times, have one or more known places of business in this State and an authorized agent or agents there upon whom process may be executed, and the General Assembly shall enact laws to carry into effect the provisions of this section.

Section 10. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

Section 11. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and said companies shall receive and transmit each others messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control.

Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each others messages without unreasonable delay or discrimination.

The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section.

Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets

and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limit of such city or town.

Section 12. The exercise of the police powers of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Section 13. It shall be the duty of the General Assembly, from time to time, as necessity may require it, to enact such laws as may be necessary to prevent all corporations, trusts, pools, combinations or other organizations, now in existence or hereafter to be created under general laws of this State, from combining with any other corporation, trust, pool, combination or other organization of this or any other State, for the purpose of depreciating below its real value any article, or to enhance the cost of any article above its real value, or for the purpose of operating the corporate powers, functions or franchises conferred upon any such corporation, trust, pool, combination or other organization under the name and title which the combination effected shall adopt, and to cause all such combinations to work the forfeiture of all powers conferred.

NATHAN PRATT,
MARTIN B. BURRIS,
CHARLES F. RICHARDS,
DAVID S. CLARK,
ROBERT W. DASEY,
JOHN P. DONAHOE.

Mr. Pratt moved to adopt Section 1, viz:

Section 1. The term corporations as used in this Article shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooper, Dasey, Ellegood, Gilchrist, Horsey, Pratt, Richards, Sapp.

Nays—Messrs.Biggs, Bradford, Burris, Cannon, Carlisle, Clark, Cooch, Murray, Saulsbury, Smithers, Spruance.

Yeas, 8; nays, 11.

So the question was decided in the negative, and Section 1 was rejected.

Mr. Pratt moved to adopt Section 2, viz:

Section 2. No corporation in existence at the adoption of this Constitution shall have the benefit of future legislation without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Mr. Bradford moved to amend Section 2, line two, by striking out "the benefit of future legislation" and inserting "its charter amended or renewed."

Mr. Burris moved to rise, report progress, ask leave to sit again and that this report be recommitted to the Committee on Corporations.

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.50 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Commmittee on Corporations,

Mr. Gilchrist in the chair.

Recurring to Mr. Bradford's motion of this morning to amend Section 2, it prevailed.

On the question of adopting Section 2, with amendment, it was adopted, as follows:

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter amended or renewed without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Mr. Pratt moved to adopt Section 3, viz:

Section 3. All existing charters or grants of special and exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution shall thereafter be void and of no effect.

Mr. Richards moved to strike out in line four the word "adoption" and insert in lieu thereof the words "taking effect,"

Which motion Prevailed.

Mr. Cannon moved to insert the word "corporate" in line two before the word "privileges,"

Which motion Prevailed.

Mr. Spruance moved to strike out in lines three and four the words "at the time of the taking effect of this Constitution" and insert in lieu thereof the words "within two years after the granting the same,"

Which motion Prevailed.

On the question of the adoption of Section 3, as amended, as follows:

Section 3. All existing charters or grants of special and exclusive corporate privileges, under which a bona fide organization shall not have taken place, and business been commenced in good faith within two years after the granting the same shall thereafter be void and of no effect.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Cavender, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Harman, Horsey, Johnson, Martin, Pratt, Richards, Sapp, Spruance.

Nays—Messrs. Biggs, Bradford, Burris, Cannon, Clark, Cooch, Evans, Moore, Murray, Saulsbury, Smithers.

Yeas, 15; nays, 11.

So the question was decided in the affrmative, and Section 3, as amended, was adopted.

Mr. Pratt moved to adopt Section 5, viz:

Section 5. No corporation shall issue stocks or bonds except for money paid, labor done or personal property in actual possession, or the fee simple title to real estate actually acquired by such corporation, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time the said labor was done or property delivered or title acquired.

The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of persons holding the larger amount in value of the stock, first obtained at a meeting called for the purpose, sixty days public notice thereof having been first given, as may be provided by law.

Mr. Spruance moved to strike out in Section 5 lines two and three the words "in actual possession or the fee simple

title to" and insert in lieu thereof the word "or" and in line three after the word "estate" insert "or leases thereof,"

Which motion Prevailed.

Mr. Spruance moved to strike out in line five the words "market price" and insert in lieu thereof the words "actual value,"

Which motion Prevailed.

Mr. Spruance moved to strike out in line five the word "value" and insert in lieu thereof the word "price,"

Which motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Friday, February 5, 1897.
10.40 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on the Legislature,

Mr. Dasey in the chair.

The Committee of the Whole proceeded to consider the following report:

Second report of the Committee on theLegislature.

TheCommittee on the Legislature recommends the adoption of the following as sections in the Constitution, to be inserted under an appropriate title:

Section 1. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor shall the same become operative without the concurrence of a majority of all the members elected to each House.

Section 2. The doors of each House, and of Committees of the Whole, shall be open unless when the business is such as ought to be kept secret.

Section 3. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 4. The Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be

privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Section 5. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, and officers in the militia, holding no disqualifying office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

CHARLES F. RICHARDS,
WOODBURN MARTIN,
GEORGE H. MURRAY,
WILLIAM SAULSBURY,
EDWARD G. BRADFORD,
J. WILKINS COOCH.

Mr. Richards moved to adopt Section 1, as follows:

Section 1. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor shall the same become operative without the concurrence of a majority of all the members elected to each House.

Mr. Bradford moved to insert the word "final" in line seven between the words "the" and "vote,"

Which motion Prevailed.

Recurring to Mr. Richards' motion Section 1 was adopted, as amended, as follows:

Section 1. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor shall the same become operative without the concurrence of a majority of all the members elected to each House.

Mr. Richards moved to adopt Section 2, as follows:

Section 2. The doors of each House, and of Committees of the Whole, shall be open unless when the business is such as ought to be kept secret.

The motion Prevailed.

Mr. Richards moved to adopt Section 3, as follows:

Section 3. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

The motion Prevailed.

Mr. Richards moved to adopt Section 4, as follows:

Section 4. The Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

The motion Prevailed.

Mr. Richards moved to adopt Section5, as follows:

Section 5. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created,

or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, and officers in the militia, holding no disqualifying office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

Mr. Saulsbury moved to insert in line eight, between the words "respectively" and "and" the word "attorneys-at-law,"

Which motion Prevailed.

On the question of adopting Section 5 as amended, it prevailed, and Section 5, as amended, was adopted, as follows:

Section 5. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, attorneys-at-law and officers in the militia, holding no disqualifiing office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

Mr. Donahoe moved to reconsider the vote by which Section 1, as amended, was adopted,

Which motion Prevailed.

Mr. Richards moved to adopt Section 1, as amended,

Which motion Prevailed.

Mr. Richards moved to adopt the second report of the Committee on the Legislature as amended, as follows:

Section 1. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy, and the yeas and

nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, nor shall the same become operative without the concurrence of a majority of all the members elected to each House.

Section 2. The doors of each House, and of Committees of the Whole, shall be open unless when the business is such as ought to be kept secret.

Section 3. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 4. The Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Section 5. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during such time. No member of Congress, nor any person holding any office under this State, or the United States, except officers usually appointed by the courts of justice respectively, attorneys-at-law and officers in the militia, holding no disqualifying office, shall during his continuance in Congress or in office be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

Motion to rise, report the adoption of the second report of the Committee on the Legislature, as amended, and to recommend its adoption by the Convention, prevailed.

Tuesday, February 9, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on the Judiciary,

Mr. Carlisle in the chair.

The Committee of the Whole proceeded to consider the following report:

The Committee on the Judiciary recommends the adoption of the following amendments to Article VI:

(a) Strike out Section 1 and insert in lieu thereof the following:

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time establish.

(b) Strike out of Section 3 the following words: "No associate judge shall sit in the county in which he resides."

Add the following sections:

(c) Section —. The judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session the Governor shall, within thirty days after the happening of any such vacancy, convene the Senate for the purpose of confirming his appointment to the said vacancy and such other executive business as may come before it for action.

(d) Section —. Any judge shall have the right to resign his office after reaching the age of seventy years and thereafter receive the full salary attached to the office until the end of the term for which he was appointed, provided that during said term and before his resignation he shall have continued in the active discharge of his office for at least one-half of said term.

(e) Section —. In all criminal cases in which the sentence shall be death or imprisonment for more than six months and in such other criminal cases as may be provided by law, the accused after conviction and sentence shall be entitled to a writ of error from the Supreme Court to the court in which the case was tried.

W. C. SPRUANCE,
W. T. CAVENDER,
CHARLES F. RICHARDS,
EDWARD D. HEARNE,
CHARLES B. EVANS,
EDWARD G. BRADFORD,
WOODBURN MARTIN,
GEORGE H. MURRAY.

Mr. Spruance moved to adopt paragraph (a) as follows:

(a) Strike out Section 1 and insert in lieu thereof the following:

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time establish.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph (b), as follows:

(b) Strike out of Section 3 the following words: "No associate judge shall sit in the county in which he resides."

The motion Prevailed.

Mr. Spruance moved to adopt paragraph (c), as follows:

(c) Section —. The judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session the Governor shall, within thirty days after the happening of any such vacancy, convene the Senate for the purpose of confirming his appointment to the said vacancy and such other executive business as may come before it for action.

Mr. Clark moved to substitute for paragraph (c) the following:

"The judges shall be elected by the people for the term of ten years, and if any vacancy shall occur by death or otherwise the Governor shall appoint to fill the vacancy until the next general election shall be held after the vacancy shall have occurred."

Mr. Clark moved to rise, report progress and ask leave to sit again.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Clark, Ellegood, Saulsbury, Smithers.

Nays—Messrs. Biggs, Bradford, Burris, Carlisle, Cavender, Cooper, Dasey, Donahoe, Gilchrist, Hearne, Horsey, Martin, Moore, Pratt, Richards, Sapp, Spruance, Wright.

Yeas, 5; nays, 18.

So the question was decided in the negative, and the motion was lost.

On the question of the adoption of Mr. Clark's substitute for paragraph (c),

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Carlisle, Clark, Ellegood, Gilchrist, Smithers, Spruance.

Nays—Messrs. Biggs, Bradford, Burris, Cavender, Cooper, Dasey, Donahoe, Hearne, Horsey, Martin, Moore, Pratt, Richards, Sapp, Saulsbury, Wright.

Yeas, 7; nays, 16.

So the question was decided in the negative, and the proposed substitute was rejected.

Mr. Bradford moved to insert in paragraph (c) between the words "years" and "and" the words "if they so long behave themselves well,"

Which motion Prevailed.

On the motion to adopt paragraph (c), as amended, as follows:

Add the following sections:

(c) Section —. The judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, if they so long behave themselves well, and if a vacancy shall occur by expiration of term or otherwise at a time when the Senate shall not be in session the Governor shall, within thirty days after the happening of any such vacancy, convene the Senate for the purpose of confirming his appointment to the said vacancy and such other executive business as may come before it for action.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Carlisle, Cooch, Cooper, Dasey, Donahoe, Gilchrist, Hearne, Martin, Moore, Pratt, Richards, Sapp, Saulsbury, Spruance, Wright.

Nays—Messrs. Cannon, Clark, Ellegood, Smithers.

Yeas, 18; nays, 4.

So the question was decided in the affirmative, and the paragraph, as amended, was adopted.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.40 o'clock, p. m.

The Committee of the Whole met to consider further the first report of the Committee on the Judiciary,

Mr. Carlisle in the chair.

Mr. Spruance moved to adopt paragraph (d), as follows:

(d) Section —. Any judge shall have the right to resign his office after reaching the age of seventy years and thereafter receive the full salary attached to the office until the end of the term for which he was appointed, provided that during said term and before his resignation he shall have continued in the active discharge of his office for at least one-half of said term.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph (e) as follows:

(e) Section —. In all criminal cases in which the sentence shall be death or imprisonment for more than six months and in such other criminal cases as may be provided by law, the accused after conviction and sentence shall be entitled to a writ of error from the Supreme Court to the court in which the case was tried.

Mr. Biggs moved to strike out all to the word "accused" and insert in lieu thereof the following: "In all criminal cases in which the sentence shall be death, fine or imprisonment as imposed by the Court of Oyer and Terminer or Court of General Sessions."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Cannon, Carlisle, Clark, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Harman, Hearne, Johnson, Pratt, Richards, Sapp, Smithers, Wright.

Nays—Messrs. Bradford, Cavender, Horsey, Martin, Moore, Spruance.

Yeas, 17; nays, 6.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Bradford moved to add to paragraph (e) at the end of Section — the following:

"But the provisions of this section shall not be applicable to prosecutions under Section 2 of Article —,"

The motion Prevailed.

Mr. Martin moved to add at the end of Section —, paragraph (e), the following:

"But in no case shall a writ of error issue until the cost of the prosecution below shall have been paid by the accused."

The motion Was Lost.

On the question of the adoption of paragraph (e), as amended;

The paragraph was adopted, as follows:

(e) Section —. In all criminal cases in which the sentence shall be death or imprisonment for more than six months and in such other criminal cases as may be provided by law, the accused after conviction and sentence shall be entitled to a writ of error from the Supreme Court to the court in which the case was tried. But in no case shall a writ of error issue until the cost of the prosecution below shall have been paid by the accused. But the provisions of this section shall not be applicable to prosecutions under Section 2 of Article —.

Motion to rise, report that the report of the Committee on Judiciary had been adopted with amendments and recommend its adoption by the Convention, prevailed.

Monday, February 15, 1897.
4 o'clock, p. m.

The Committee of the Whole met to consider the first and second reports of the Committee on Elections,

Mr. Moore in the chair.

The Committee of the Whole proceeded to consider the following report:

Second report of the Committee on Elections.

The Committee on Elections recommend the following amendments to the Constitution:

Strike out the part of the third paragraph of Section 1 of Article IV beginning with the words "And in" and ending with the words "any tax" and insert in lieu thereof the following:

Every male citizen of this State of the age of twenty-one years who shall have been a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last fifteen days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people.

Provided, however, that no person who shall attain the age of twenty-one years after the first day of January, A. D., 1900, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name; but these requirements shall not apply to any person

who by reason of physical disability shall be unable to comply therewith.

Insert next after Section 1 of Article IV the following:

Section 2. No person who shall receive or except, or offer to receive or accept, or shall pay, transfer, or deliver, or offer, or promise to pay, transfer or deliver, or shall contribute or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted or offered to receive or accept, or paid, transferred, delivered, or offered or promised to pay, transfer or deliver, or contributed or offered, or promised to contribute to another, to be paid or used, any money, or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of purjury; but no conviction thereof shall bar any prosecution under Section 2 of Article — of this Constitution.

Section 3. The General Assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person thus registered to vote at any election thereafter held in this State, who is not disqualified under the provisions of the second section of this Article; but no person shall vote at any election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than ninety days nor less than sixty days before and be completed not more than twenty days nor less than ten days before such election, and application for registration may be made on at least five days during the said period.

Provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only, and each voter shall, at the time of his registration, pay a registration fee of fifty cents.

The registry of voters made in pursuance hereof may be corrected; and from the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested or any registration officer, may appeal to the resident judge of the county, whose determination shall be final, and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and to make and enforce all necessary orders in the premises.

Registration shall not be required for village, town or city elections except by express provision of law.

The existing laws in reference to the registration of voters, not inconsistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Strike out of the tenth line of the third paragraph of Section 1 of Article IV, the word "Provided," and insert in lieu thereof the words "And Provided also."

Make Section 2 of Article IV, Section 4.

WILSON T. CAVENDER,
W. C. SPRUANCE,
E. W. COOPER,
J. A. ELLEGOOD,
EDWARD G. BRADFORD.

Mr. Spruance moved to adopt first paragraph, Section 1, of the report under consideration, as follows:

Strike out the part of the third paragraph of Section 1 of Article IV beginning with the words "And in" and ending with the words "any tax" and insert in lieu thereof the following:

Every male citizen of this State of the age of twenty-one years who shall have been a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last fifteen days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people.

Mr. Clark moved to strike out the word "male."

Motion to rise, report progress and ask leave to sit again, prevailed.

Tuesday, February 16, 1897.
10.50 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on Elections,

Mr. Moore in the chair.

Mr. Clark asked consent to withdraw his motion of yesterday to strike out the word "male."

Consent not given.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 4.10 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Elections,
Mr. Moore in the chair.

Recurring to Mr. Clark's motion of yesterday to strike out the word "male,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Clark, Gilchrist, Orr, Smithers, Wright.

Nays—Messrs. Biggs, Bradford, Carlisle, Cavender, Cooper, Dasey, Donahoe, Ellegood, Evans, Hering, Horsey, Johnson, Moore, Murray, Pratt, Sapp, Spruance.

Yeas, 7; nays, 17.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Spruance's motion of yesterday to adopt the first paragraph,

Mr. Cavender moved to strike out the word "fifteen" in line eleven and insert in lieu thereof the word "thirty,"

Which motion Prevailed.

On the question to adopt the paragraph as follows, as amended:

Strike out the part of the third paragraph of Section 1 of Article IV beginning with the words "And in" and ending with the words "any tax," and insert in lieu thereof the following:

Every male citizen of this State of the age of twenty-one years who shall have been a resident of this State one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people.

It was decided in the affirmative, and the paragraph, as amended, was adopted.

Mr. Spruance moved to adopt paragraph from line twenty to line twenty-seven, inclusive, as follows:

Provided, however, that no person who shall attain the age of twenty-one years after the first day of January, A. D., 1900, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his

name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Cavender, Clark, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Hering, Horsey, Johnson, Martin, Moore, Orr, Pratt, Sapp, Smithers, Spruance, Wright.

Yeas, 23; nays, 0.

So the question was decided in the affirmative, and the paragraph was adopted.

Mr. Spruance moved to adopt Section 2, as follows:

Section 2. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer, or deliver, or offer, or promise to pay, transfer or deliver, or shall contribute or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted or offered to receive or accept, or paid, transferred, delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money, or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation,

but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury; but no conviction thereof shall bar any prosecution under Section 2 of Article — of this Constitution.

Mr. Spruance moved to strike out in lines six, seven and eight, the words "for the registering or the abstaining from registering of any one qualified to register" and to strike out the same words in lines twenty and twenty-one.

Motion to rise, report progress and ask leave to sit again, prevailed.

Wednesday, February 17, 1897.
10.50 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on Elections,

Mr. Moore in the chair.

Mr. Carlisle moved to substitute for Mr. Spruance's motion of yesterday the following: "After the word 'for' in line seven, Section 2, strike out the words 'the registering or'."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Clark, Gilchrist, Hering, Murray, Smithers, Spruance.

Nays—Messrs. Biggs, Bradford, Cannon, Cavender, Cooch, Cooper, Dasey, Ellegood, Horsey, Martin, Moore, Richards, Sapp, Wright.

Yeas, 7; nays, 14.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Spruance's motion of yesterday, to strike out the words "for the registering or the abstaining from registering of any one qualified to register,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Carlisle, Clark, Gilchrist, Hering, Murray, Smithers, Spruance.

Nays—Messrs. Biggs, Bradford, Cannon, Cavender, Cooch, Cooper, Dasey, Ellegood, Horsey, Martin, Moore, Richards, Sapp, Wright.

Yeas, 7; nays, 14.

So the question was decided in the negative, and the motion was lost.

Mr. Spruance moved to insert in the eighth line after the word "register" the following, "for the purpose of influencing the giving or withholding the vote of such person at any general, special or municipal election in this State," and also to insert the same in the twenty-first line after the word "register."

Motion to rise, report progress and ask leave to sit again, prevailed.

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Same Day, 2.37 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Elections,

Mr. Moore in the chair.

Recurring to Mr. Spruance's motion of this morning, to insert in the eighth line after the word "register" the following, "for the purpose of influencing the giving or withholding the vote of such person at any general, special or municipal election in this State," and also to insert the same in the twenty-first line after the word "register,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Clark, Gilchrist, Hering, Johnson, Martin, Murray, Smithers, Spruance.

Nays—Messrs. Bradford, Cavender, Dasey, Ellegood, Horsey, Moore, Pratt, Richards, Sapp, Wright.

Yeas, 9; nays, 10.

So the question was decided in the negative, and the motion was lost.

Mr. Hering moved to strike out all after the word "elections" in eleventh line of Section 2.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Clark, Hering, Smithers.

Nays—Messrs. Bradford, Cannon, Cavender, Dasey, Ellegood, Gilchrist, Horsey, Johnson, Martin, Moore, Murray, Pratt, Richards, Sapp, Spruance, Wright.

Yeas, 3; nays, 16.

So the question was decided in the negative, and the motion was lost.

On question to adopt of Section 2, lines one to twenty-three, inclusive, as follows:

Section 2. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted or offered to receive or accept, or paid, transferred, delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money, or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

It was decided in the affirmative, and the lines were adopted.

Mr. Spruance moved to adopt of Section 2 lines twenty-four to twenty-nine inclusive, as follows:

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury; but no conviction thereof shall bar any prosecution under Section 2 of Article — of this Constitution.

The motion Prevailed.

Mr. Spruance moved to adopt Section 2, as follows:

Section 2. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred, delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute, to another, to be paid or used, any money, or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury; but no conviction thereof shall bar any prosecution under Section 2 of Article — of this Constitution.

The motion Prevailed.

Mr. Spruance moved to adopt of Section 3 the lines one to ten inclusive, as follows:

Section 3. The General Assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person thus registered to vote at any election thereafter held in this State, who is not disqualified under the provisions of the second section of this Article; but no person shall vote at any election unless his name appears in the list of registered voters.

The motion Prevailed.

Mr. Martin moved to adopt of Section 3 lines eleven, twelve, thirteen, fourteen and fifteen ,as follows:

Such registration shall be commenced not more than ninety days nor less than sixty days before and be completed not more than twenty days nor less than ten days before such election, and application for registration may be made on at least five days during the said period.

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Thursday, February 18, 1897.
10.42 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Corporations,

Mr. Evans in the chair.

Mr. Pratt moved that the report of the Committee on Corporations be referred to the Convention with the recommendation that it be referred back to the standing Committee on Corporations.

Which motion Prevailed.

Motion to rise prevailed.

Same Day, 10.45 o'clock, a. m.

The Committee of the Whole met to consider the report of the Committee on Elections,

Mr. Moore in the chair.

On motion of Mr. Spruance, lines sixteen, seventeen and eighteen of Section 3, were adopted, as follows:

Provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Mr. Spruance moved to adopt lines twenty-two to twenty-three inclusive, of Section 3, as follows:

"The registry of voters made in pursuance hereof may be corrected, and from the decision of the registration."

Mr. Spruance moved to strike out of lines twenty-two and twenty-three, Section 3, the words, "The registry of voters made in pursuance hereof may be corrected; and" and to make "from" "From."

Mr. Pratt moved to strike out lines twenty-two to thirty-three inclusive, Section 3,

Which motion Was Lost.

Recurring to Mr. Spruance's motion to strike out words in lines twenty-two and twenty-three, Section 3,

The motion Prevailed.

Mr. Spruance moved to amend Section 3 by inserting in line twenty-seven after the word "County" the words "or in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court,"

Which motion Prevailed.

Mr. Cooper moved to amend Section 3, line thirty-one, by inserting after the word "therefrom" the following words, "and any name appearing on the said registry, in any manner incorrect to be corrected,"

Which motion Prevailed.

Mr. Spruance moved to amend Section 3, line thirty-three by inserting after the word "premises" the following words, "for the correction of the said registry,"

Which motion Prevailed.

Mr. Spruance moved to adopt lines twenty-two to thirty-three inclusive, as amended, as follows:

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident judge of the county, or, in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final, and he shall have power to order any name improperly omitted from the said registry to be placed

thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry.

The motion Prevailed.

Mr. Spruance moved to adopt lines thirty-four and thirty-five, Section 3, as follows:

Registration shall not be required for village, town or city elections, except by express provision of law.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.35 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Elections,

Mr. Moore in the chair.

Mr. Martin moved to strike out in lines thirty-four and thirty-five the words "village, town or city" and insert in lieu thereof the words "other than general,"

Which motion Prevailed.

Mr. Bradford moved to strike out lines thirty-four and thirty-five, Section 3, and insert in lieu thereof the following:

"Registration shall be required only for general biennial election at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law."

The motion Prevailed.

The paragraph, lines thirty-four and thirty-five, was then adopted, as follows:

Registration shall be required only for general biennial election at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law.

Mr. Spruance moved to adopt lines thirty-six, thirty-seven, thirty-eight and thirty-nine, Section 3, as follows:

The existing laws in reference to the registration of voters, not inconsistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Mr. Hering moved to strike out in line thirty-seven, Section 3, the words, "not inconsistent" and insert in lieu thereof the words "so far as consistent,"

Which motion Prevailed.

On the question to adopt the paragraph, lines thirty-six, thirty-seven, thirty-eight and thirty-nine, Section3, as amended as follows:

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

They were adopted.

Mr. Spruance moved to adopt lines forty, forty-one and forty-two, Section 3, as follows:

Strike out of the tenth line of the third paragraph of Section 1 of Article 4, the word "Provided," and insert in lieu thereof the words "And provided also,"

The motion Prevailed.

Mr. Spruance moved to adopt line forty-three, Section 3, as follows:

Make Section 2 of Article IV Section 4.

The motion Prevailed.

Mr. Spruance moved to adopt lines nineteen, twenty and twenty-one, Section 3, as follows:

Voters shall be registered upon personal application only, and each voter shall, at the time of his registration, pay a registration fee of fifty cents.

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, was lost.

Motion to rise, report progress and ask leave to sit again, prevailed.

Tuesday, February 23, 1897.
10.40 o'clock, a. m.

The Committee of the Whole met to consider the first and second reports of the Committee on Elections,

Mr. Moore in the chair.

No business transacted.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.43 o'clock, p. m.

The Committee of the Whole met to consider the second and third reports of the Committee on Elections,

Mr. Moore in the chair.

The Committee proceeded with the consideration of the second report.

Mr. Ellegood moved to strike out of the twenty-first line line, Section 3, second report, the words "fifty cents" and insert in lieu thereof the words "one dollar."

Mr. Hearne moved to strike out of Mr. Ellegood's motion the words "one dollar" and insert in lieu thereof the words "two dollars."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Dasey, Donahoe, Hearne, Horsey, Johnson, Martin, Sapp.

Nays—Messrs. Biggs, Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Ellegood, Gilchrist, Hering, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright.

Yeas, 7; nays, 21.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Ellegood's motion,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Moore, Murray, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright.

Nays—Messrs. Carlisle, Donahoe, Martin, Orr, Sapp.

Yeas, 23; nays, 5.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Spruance moved to adopt, as amended, lines nineteen, twenty and twenty-one, Section 3, second report, as follows:

Voters shall be registered upon personal application only, and each voter shall, at the time of his registration, pay a registration fee of one dollar.

The motion Prevailed.

Mr. Spruance moved to adopt, as amended, the second report of the Committee on Elections, as follows:

Second report of the Committee on Elections:

Strike out the part of the third paragraph of Section 1 of Article IV, beginning with the words "And in" and ending with the words "any tax" and insert in lieu thereof the following:

"Every male citizen of this State of the age of twenty-one years who shall have been a resident of this State one year next

preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registerd as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people, and upon all questions which may be submitted to the vote of the people.

Provided, however, that no person who shall attain the age of twenty-one years after the first day of January, A. D. 1900, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith.

Insert next after Section 1 of Article IV the following:

Section 2. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred, delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money, or other valuable thing as a compensation, inducement or reward for the registering or the abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury; but no conviction thereof shall bar any prosecution under Section 2 of Article — of this Constitution.

Section 3. The General Assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person thus registered to vote at any election thereafter held in this State, who is not disqualified under the provisions of the second section of this Article; but no person shall vote at any election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than ninety days nor less than sixty days before and be completed not more than twenty days nor less than ten days before such election, and application for registration may be made on at least five days during the said period.

Provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only, and each voter shall, at the time of his registration, pay a registration fee of one dollar.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident judge of the county, or, in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final, and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry in any manner incorrect to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry.

Registration shall be required only for general biennial election at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

Strike out of the tenth line of the third paragraph of Section 1 of Article IV, the word "Provided," and insert in lieu thereof the words "And provided also."

Make Section 2 of Article IV Section 4.

The motion Prevailed.

The Committee of the Whole then proceeded to consider the third report of the Committee on Elections, which was as follows:

Third report of the Committee on Elections.

The Committee on Elections recommend the following amendments to Article IV of the Constitution:

Substitute for the first and second paragraphs of Section 1 of said Article the following:

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot, but the Legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

Insert next after the word "felony" in the fifteenth line of the third paragraph of Section 1 of said Article the following:

"Or incapacitated under the provisions of this Constitution from voting."

Add the following section to said Article:

Section —. Boards of canvass as now established by law are abolished.

The presiding election officer of each hundred or election district shall, on the next day after the election, deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, to the Prothonotary of the Superior Court of the county, who shall, before 12 o'clock noon on the second day after the election, present the same to the said court; and thereupon the said court, with the aid of such of its officers and such sworn assistants as the court shall appoint, shall publicly, in the presence of such electors of the county as shall think proper to be present, ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county, for every person voted for for such office.

The said court shall have all of the powers now vested in the Board of Canvass and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

The committee further recommend that the second report of the committee be amended by striking out of the twenty-first line of Section 3 the words "fifty cents" and substituting in lieu thereof the words "one dollar."

W. C. SPRUANCE,
W. T. CAVENDER,
J. A. ELLEGOOD,
W. A. CANNON,
JOHN W. HERING,
EDWARD G. BRADFORD,
E. W. COOPER.

Mr. Spruance moved to adopt first paragraph, Section 1, third report of the Committee on Elections, as follows:

Third report of the Committee on Elections.

The Committee on Elections recommend the following amendments to Article IV of the Constitution:

Substitute for the first and second paragraphs of Section 1 of said Article the following:

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot, but the Legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter; preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

The motion Prevailed.

Mr. Spruance moved to adopt the second paragraph, Section 1, third report, as follows:

Insert next after the word "felony" in the fifteenth line of the third paragraph of Section 1 of said Article, the following:

"Or incapacitated under the provisions of this Constitution from voting,"

The motion Prevailed.

Mr. Spruance moved to adopt the third paragraph, third report, as follows:

Section —. Boards of canvass as now established by law are abolished.

The presiding election officer of each hundred or election district shall, on the next day after the election, deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, to the Prothonotary of the Superior Court of the county, who shall, before 12 o'clock noon on the second day after the election, present the same to the said court; and thereupon the said court, with the aid of such of its officers and such sworn assistants as the court shall appoint, shall publicly, in the presence of such electors of the county as shall think proper to be present, ascertain the state of the election throughout the county, by calculating the

aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

The said court shall have all of the powers now vested in the Board of Canvass and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and tarnsmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

No action taken hereon.

Motion to rise, report completion of the second report of the Committee on Elections, and recommend its adoption; also progress on the third report and ask leave to sit again, prevailed.

Wednesday, February 24, 1897.
11 o'clock, a. m.

The Committee of the Whole met to consider that portion of the third report of the Committee on Elections not referred back by the Convention to the Committee on Elections, and for the purpose of renumbering the sections of Article IV,

Mr. Moore in the chair.

Mr. Spruance moved to adopt the first and second paragraphs, Section 1, of the third report of the Committee onElections, as follows:

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot, but the Legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

Insert next after the word "felony" in the fifteenth line of the third paragraph of Section 1 of said Article the following: "or incapacitated under the provisions of this Constitution from voting."

Mr. Spruance moved to strike out of Section 1 of the third report the word "Legislature" and insert in lieu thereof the words "General Assembly,"

Which motion Prevailed.

Mr. Spruance moved to adopt, as amended, paragraph one Section 1, of the third report, as follows:

Section 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot, but the General Assembly may by law prescribe the means, methods and instruments of

voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

The motion Prevailed.

Mr. Spruance moved to adopt the second paragraph, Section 1, of the third report, as follows:

Insert next after the word "felony" in the fifteenth line of the third paragraph of Section 1 of said Article the following, "or incapacitated under the provisions of this Constitution from voting."

The motion Prevailed.

Mr. Spruance moved that the sections of the second report of the Committee on Elections be numbered, as follows: commencing with line seven, words "Every male," be known as Section 2: Section 2 be Section 3; Section 3 be Section 4; Section 4 be Section 5,

The motion Prevailed.

Motion to rise and report the adoption of the first and second paragraphs of the third report and the renumbering of the sections of the second report of the Committee on Elections, prevailed.

Same Day, 2.30 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Education,

Mr. Carlisle in the chair.

The Committee of the Whole proceeded to consider the following report of the Committee on Education:

Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall encourage by all suitable means the promotion of intellectual, scientific and agricultural improvement.

Section 2. A State Superintendent of public instruction shall be appointed by the Governor, and confirmed by the Senate, for a term of four years, or until his successor is duly qualified; whose powers, duties and compensation shall be defined by the General Assembly, which may also provide for County Superintendents and such other officers as may be necessary.

Section 3. A tax of not less than one mill, nor more than three mills, on all the taxable property of the State, shall be levied annually, and together with the proceeds from the investments known as the school fund distributed to the several school districts of the State as the General Assembly shall direct; and the fund so distributed shall be used exclusively for the payment of tuition; provided, however, that in such distribution, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All local contingent expenses, for school buildings and maintaining schools, shall be paid by the district incurring the same, as the General Assembly shall direct.

Section 4. The General Assembly shall, within two years after this Constitution goes into effect, provide for a general and uniform system of Free Public Schools throughout the State, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.

Section 5. No portion of any fund now existing, or that which may hereafter be appropriated, or raised by tax for educational purposes, shall be appropriated to, or used by, or in aid of any church, sectarian, or denominational school.

Section 6. All monies received by the State from school taxes, State appropriations, income from stocks or bonds, and all other monies received for school purposes, shall be inviolably used for the support and maintenance of the public schools of this State.

JAMES B. GILCHRIST,
ELIAS N. MOORE,
NATHAN PRATT,
A. L. JOHNSON.
ISAAC K. WRIGHT,
E. W. COOPER.

Mr. Gilchrist moved to adopt Section 1, as follows:

Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall encourage by all suitable means the promotion of intellectual, scientific and agricultural improvement.

Mr. Johnson moved to amend Section 1 by inserting after the word "improvement" in line six, the following, "To this end all property used exclusively for free school purposes shall be exempted from taxation,"

Which motion Was Withdrawn.

Mr. Spruance moved to strike out all of Section 1 and insert in lieu thereof the following:

"The General Assembly shall provide for the maintenance of general, suitable and efficient system of free schools."

Mr. Saulsbury moved to strike out of Mr. Spruance's amendment the word "general,"

Which motion Was Lost.

Recurring to Mr. Spruance's amendment, it was adopted.

Mr. Ellegood moved to adopt Section 2, as follows:

Section 2. A State Superintendent of public instruction shall be appointed by the Governor, and confirmed by the Senate, for a term of four years, or until his successor is duly qualified; whose powers, duties and compensation shall be defined by the General Assembly, which may also provide for County Superintendents and such other officers as may be necessary.

Mr. Gilchrist moved to strike out all of Section 2 and insert the following:

"County Superintendents of Public Instruction for each county of the State shall be appointed by the Governor, and confirmed by the Senate, for a term of four years, or until their successors are duly qualified, whose powers, duties and compensation shall be defined by the General Assembly; which

may also provide for a State Superintendent and other officers when in its judgment such officers may be necessary."

The motion Was Lost.

Recurring to Mr. Ellegood's motion to adopt Section 2, it was lost.

Mr. Gilchrist moved to adopt Section 4, as follows:

Section 4. The General Assembly shall, within two years after this Constitution goes into effect, provide for a general and uniform system of Free Public Schools throughout the State, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.

Mr. Spruance moved to strike out lines twenty-five and twenty-six and down to the word "and" in line twenty-seven,

Which motion Prevailed.

Mr. Saulsbury moved to strike out the remainder of Section 4.

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Thursday, February 25, 1897.
11.10 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Education,

Mr. Carlisle in the chair.

Mr. Johnson moved to adopt the following remaining lines of Section 4 and that they be made a part of Section 1:

"And may require by law, that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Carlisle, Clark, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Hering, Johnson, Moore, Richards, Smithers, Spruance, Wright.

Nays—Messrs. Cavender, Donahoe, Evans, Horsey, Martin, Sapp, Saulsbury.

Yeas, 16; nays, 7.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Gilchrist moved to adopt Section 5, as follows:

Section 5. No portion of any fund now existing, or that which may hereafter be appropriated, or raised by tax for educational purposes, shall be appropriated to, or used by, or in aid of any church, sectarian, or denominational school.

Mr. Spruance moved to make the words "church, sectarian" read "sectarian, church" in line thirty-two.

Motion to rise, report progress and ask leave to sit again, was lost.

Recurring to Mr. Spruance's motion to transpose words in line thirty-two, it prevailed.

Mr. Cooch moved to amend Section 5 by inserting in line thirty-three after the word "school" the following:

"Provided that all real and personal property used for school purposes, where tuition is free, shall be exempt from taxation and assessment for public purposes."

Motion to rise, report progress and ask leave to sit again, prevailed.

———

Same Day, 2.35 o'clock, p. m.

The Committee of the Whole met to consider further the first report of the Committee on Education,

Mr. Dasey in the chair.

Recurring to Mr. Cooch's motion of this morning to amend Section 5 by inserting at the end of line thirty-three the following:

"Provided that all real and personal property used for school purposes, where tuition is free, shall be exempt from taxation and assessment for public purposes."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Cavender, Cooch, Dasey, Donahoe, Evans, Gilchrist, Hearne, Hering, Johnson, Martin, Saulsbury, Smithers, Spruance.

Nays—Messrs. Carlisle, Clark, Cooper, Ellegood, Horsey, Moore, Richards, Wright.

Yeas, 14; nays, 8.

So the question was decided in the affirmative, and the motion prevailed.

On the question to adopt, as amended, Section 5, as follows:

Section 5. No portion of any fund now existing, or that which may hereafter be appropriated, or raised by tax for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian church, or denominational school; provided that all real and personal property used for school purposes, where tuition is free, shall be exempt from taxation and assessment for public purposes.

It was decided in the affirmative, and the section was adopted.

Mr. Gilchrist moved to adopt Section 6, as follows:

Section 6. All monies received by the State from school taxes, State appropriations, income from stocks or bonds, and all other monies received for school purposes, shall be inviolably used for the support and maintenance of the public schools of this State.

Mr. Spruance moved to substitute for Section 6, the following:

"No part of the principal or income of the public school fund now or hereafter existing shall be used for any other purpose than the support of public free schools."

The motion Prevailed.

Mr. Spruance moved to adopt the substitute for Section 6.

The motion Prevailed.

Mr. Gilchrist moved to adopt Section 3, as follows:

Section 3. A tax of not less than one mill, nor more than three mills, on all the taxable property of the State, shall be levied annually, and togther with the proceeds from the investments known as the school fund distributed to the several school districts of the State as the General Assembly shall direct; and the fund so distributed shall be used exclusively for the payment of tuition; provided, however, that in such distribution, no distinction shall be made on account of race or color, and separate schools for white and colored children shall

be maintained. All local contingent expenses, for school buildings and maintaining schools, shall be paid by the district incurring the same, as the General Assembly shall direct.

Mr. Gilchrist offered in lieu of lines thirteen and fourteen, the following:

"The General Assembly shall make provision for the annual payment of not less than $100,000 for the benefit of free schools,"

Which was Accepted.

Mr. Spruance moved as a substitute for lines thirteen to fourteen inclusive, in Section 3, the following:

"In addition to the income of the public school fund, the General Assembly shall make provision for the annual payment of not less than $100,000 for the benefit of Public Free Schools, which, with the income of the Public School Fund, shall be annually apportioned among the school districts, according to the average number of pupils attending the Public Free Schools therein during the year ending on the first day of July next preceding the time of such apportionment; provided, however, that in such apportionment no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained; and provided further, that no part of the money so apportioned shall be applied to any other purpose than the salaries of teachers."

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Friday, February 26, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Education,

Mr. Smithers in the chair.

On motion of Mr. Gilchrist, the Secretary read yesterday's journal of the Committee of the Whole.

Motion to rise, report progress, ask leave to sit again, and that Section 3, with pending amendments, be reported to the Convention with the recommendation that it be referred back to the Committee on Education, prevailed.

Same Day, 11 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Agriculture,

Mr. Smithers in the chair.

The Committee of the Whole proceeded to consider the following report:

First report of the Committee on Agriculture.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The State Board of Agriculture shall be composed of three Commissioners of Agriculture, one residing in each county in the State, together with the Superintendent of the Delaware College Experiment Station and the Horticulturist; the last two named officers shall be members ex officio. Any three of them shall constitute a quorum for the transaction of business.

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, who shall appoint one to serve for one year, one to serve for two years, and one to serve for three years, and thereafter all appointments shall be for a term of three years, and they shall hold office until their successors are duly qualified. Any vacancies occurring in the office of Commissioner of Agriculture shall be filled by appointment by the Governor for the remainder of the term.

Section 4. The said State Board of Agriculture shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables and cereals, and also all contagious and infectious diseases of horses, cattle and other farm animals; and also shall have the power to investigate and prosecute, under like legislative provisions, all grievances against transportation companies and common carriers; and such other powers as may from time to time be given them by legislative enactment.

Section 5. The General Assembly shall provide by law for the compensation of the members of said State Board of Agriculture, and shall prescribe and define their duties; and also enact suitable provisions for the execution by the said State Board of Agriculture of the powers herein designated.

Section 6. The commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first incumbents thereof; after which it may be continued or abolished by the General Assembly.

ANDREW J. HORSEY,
ISAAC K. WRIGHT,
DAVID S. CLARK,
ELIAS N. MOORE,
JAMES B. GILCHRIST,
W. T. CAVENDER,
NATHAN PRATT.

Mr. Horsey moved to substitute for the first report of the Committee on Agriculture the following:

A substitute for the first report of Committee on Agriculture.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State, together with the Director of the Delaware College Experiment Station and the Horticulturist of said station; the last two named officers shall be members ex officio of the said board. Any three of them shall constitute a quorum for the transaction of business.

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified; provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term.

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and shall also have the power to investigate and prosecute all grievances against transportation companies and common carriers, and such other powers as the General Assembly may provide.

Section 5. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

Section 6. The said commissioners may devise such

plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be continued or abolished by the General Assembly.

And further, on motion of Mr. Horsey, the substitute was accepted for the first report.

Motion to rise, report progress and ask leave to sit again, was lost.

Mr. Horsey moved to adopt Section 1, as follows:

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

The motion Prevailed.

Mr. Horsey moved to adopt Section 2, as follows:

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State, together with the Director of the Delaware College Experiment Station and the Horticulturist of said station; the last two named officers shall be members ex officio of the said board. Any three of them shall constitute a quorum for the transaction of business.

The motion Prevailed.

Mr. Horsey moved to adopt Section 3, as follows:

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified; provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term.

Mr. Cavender moved to strike out of Section 3 the words "by and with the consent of three-fifths of all the members elected to the Senate,"

Which motion Was Lost.

Mr. Spruance moved to add to end of Section 3 the following:

"And, provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by appointment by the Governor, without confirmation by the Senate, until the Senate shall next be in session."

The motion Prevailed.

Mr. Johnson moved to strike out of Section 3 the words "three-fifths" and insert in lieu thereof the words "a majority,"

Which motion Was Lost.

Motion to rise, report progress and ask leave to sit again, was lost.

On the question to adopt, as amended, Section 3, as follows:

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, one for the term of one year, one for the term of two years, and one for the term of three years, and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: Provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment, as aforesaid, for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by appointment by the Governor, without confirmation by the Senate, until the Senate shall next be in session,

It was decided in the affirmative, and Section 3, as amended, was adopted.

Motion to rise, report progress and ask leave to sit again, was lost.

Mr. Horsey moved to adopt Section 4, as follows:

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and shall also have the power to investigate and prosesute all grievances against transportation companies and common carriers, and such other powers as the General Assembly may provide.

Mr. Martin moved to strike out of Section 4 the words "and shall also have power to investigate and prosecute all grievances against transportation companies and common carriers,"

Which motion Was Lost.

On the question to adopt Section 4, as follows:

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and shall also have the power to investigate and prosecute all grievances against transportation companies and common carriers, and such other powers as the General Assembly may provide,

It was decided in the affirmative, and Section 4 was adopted.

Mr. Horsey moved to adopt Section 5, as follows:

Section 5. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said State Board of Agriculture of the powers herein designated.

The motion prevailed, and Section 5 was adopted.

Mr. Horsey moved to adopt Section 6, as follows:

Section 6. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

The motion prevailed, and Section 6 was adopted.

Mr. Horsey moved to adopt Section 7, as follows:

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first members thereof; after which it may be continued or abolished by the General Assembly.

The motion prevailed, and Section 7 was adopted.

On motion of Mr. Horsey, the substitute for the first report of the Committee on Agriculture was adopted, as follows:

Substitute for the first report of Committee on Agriculture.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State, together with the Director of the Delaware College Experiment Station and the Horticulturist of said station; the last two named officers shall be members ex officio of the said board. Any three of them shall constitute a quorum for the transaction of business.

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: Provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and, provided further,

that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor, without confirmation by the Senate, until the Senate shall next be in session.

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and shall also have the power to investigate and prosecute all grievances against transportation companies and common carriers, and such other powers as the General Assembly may provide.

Section 5. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

Section 6. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be continued or abolished by the General Assembly.

Motion to rise, and report the adoption of the substitute for the first report of the Committee on Agriculture, prevailed.

Monday, March 1, 1897.
10.55 o'clock, a. m.

The Committee of the Whole met to consider Section 3, with pending amendments, of the first report of the Committee on Education,

Mr. Orr in the chair.

Mr. Gilchrist offered the following substitute for Section 3 with pending amendments:

Section 3. In addition to the income from the Public School Fund, the General Assembly shall make provisions for the annual payment of not less than $100,000.00 for the benefit of the Public Free Schools, which, with the income of the Public School Fund, shall be annually apportioned among the School Districts on the basis of a per diem for every day taught by each teacher in said districts during the year ending on the first day of July next preceding the time of such apportionment and the fund so apportioned shall be used exclusively for the payment of teachers' salaries; provided, however, that in such distribution, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All local, contingent expenses, and all expenses for school buildings and for maintaining schools, shall be paid by the district incurring the same, as the General Assembly shall provide.

Mr. Gilchrist moved to adopt lines one, two, three, four, five, six, seven, and eight to the word "maintained."

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 11.03 o'clock, a. m.

The Committee of the Whole met to consider the first and second reports of the Committee on Education,

Mr. Orr in the chair.

Second report of the Committee on Education.

Section 3. In addition to the income from the Public School fund, the General Assembly shall make provisions for the annual payment of not less than $100,000.00 for the benefit of the Public Free Schools, which, with the income of the Public School Fund, shall be annually apportioned among the School Districts on the basis of a per diem for every day taught by each teacher in said districts during the year ending on the first day of July next preceding the time of such apportionment; and the fund so apportioned shall be used exclusively for the payment of teachers' salaries; provided, however, that in such distribution, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All local, contingent expenses and all expenses for school buildings and for maintaining schools, shall be paid by the district incurring the same, as the General Assembly shall provide.

Mr. Gilchrist moved to take up for consideration the first report of the Committee on Education,

Which motion Prevailed.

Mr. Gilchrist moved to adopt lines one, two, three, four, five, six, seven and eight to the word "maintained" inclusive.

Mr. Cavender moved to strike out lines one, two and three to the word "the."

Mr. Cooch moved to strike out lines one, two and three to the word "schools" inclusive, and insert in lieu thereof, the following:

"In addition to the income from the Public School Fund, the General Assembly shall make provision for the annual payment of such sum or sums of money as may be found necessary for the support of the Public Free Schools."

Motion to rise, report progress and ask leave to sit again, prevailed.

———

Same Day, 2.10 o'clock, p. m.

The Committee of the Whole met to consider the first and second reports of the Committee on Education,

Mr. Orr in the chair.

Recurring to Mr. Cooch's amendment of this morning, it was lost.

By unanimous consent of the Committee, Mr. Cavender withdrew his amendment of this morning.

Mr. Spruance moved to strike out of the first line the word "from" and insert in lieu thereof the words "of the investments of" and insert in the third line after the word "income" the words "of the investments."

Mr. Johnson moved to insert between the words "the" and "investments" of Mr. Spruance's amendments the word "present."

Withdrawn, by unanimous consent of the Committee.

Recurring to Mr. Spruance's motion, it prevailed.

Mr. Spruance moved to strike out the word "fund" in the sixth line and insert in lieu thereof the word "money,"

Which motion Prevailed.

By unanimous consent, the final "s" of the word "provisions" in line two was stricken out.

Mr. Cavender moved to strike out in line five the words "ending on the first day of July" and insert in line five before the word "year" the word "school."

Mr. Spruance moved to strike out in line five the words "year ending on the first day of July" and insert in lieu thereof the words "school year,"

Which motion Prevailed.

Mr. Cooper moved to insert in line six after the word "salaries" the words "for the furnishing free texts books,"

Which motion Prevailed.

Mr. Gilchrist moved to adopt, as amended, lines one, two, three, four, five, six, seven, and to and including the word "maintained" of line eight, as follows:

Section 3. In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than $100,000.00 for the benefit of the Public Free Schools, which, with the income of the investments of the Public School Fund, shall be annually apportioned among the School Districts on the basis of a per diem for every day taught by each teacher in said districts during the school year next preceding the time of such apportionment; and the money so apportioned shall be used exclusively for the payment of teachers' salaries and for furnishing free text books; provided, however, that in such distribution no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

The motion Prevailed.

Mr. Gilchrist moved to adopt the remainder of line eight, beginning the word "all" and lines nine and ten,

Which motion Was Lost.

Mr. Gilchrist moved that Section 3 be Section 2; Section 5 be Section 3; Section 6 be Section 4.

Which motion Prevailed.

Mr. Spruance moved to strike out the word "that" in line thirty, first report,

Which motion Prevailed.

Mr. Gilchrist moved to adopt, as amended, the second report of the Committee on Education, as follows:

Section 2. In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than $100,000.00 for the benefit of the Public Free Schools, which, with the income of the investments of the Public School Fund, shall be annually apportioned among the School Districts on the basis of a per diem for every day taught by each teacher in said districts during the school year next preceding the time of such apportionment; and the fund so apportioned shall be used exclusively for the payment of teachers' salaries and for furnishing free text books; provided, however, that in such distribution, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

The motion Prevailed.

Motion to rise, report the adoption of the second report of the Committee on Education, as amended, and recommend its adoption by the Convention, prevailed.

Monday, March 8, 1897.
10.45 o clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

The Committee of the Whole proceeded to consider the following report:

First report of the Committee on Revenue and Taxation.

Section 1. The General Assembly shall provide by law for an annual revenue, which with other resources shall be sufficient to defray the estimated expenses of the State for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit.

Section 2. No bill from the operation of which, when passed into a law, revenue may incidentally arise shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

Section 3. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debts; and all laws authorizing the borrowing of money by and on behalf of the State shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Section 4. No appropriation of the public money shall be

made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature receiving the affirmative vote of two-thirds of all the members elected to each branch thereof, and subsequently approved by a majority of all the votes cast at the next general election held after such enactment.

Section 5. The General Assembly may authorize the several counties and incorporated cities and towns of the State to assess and impose taxes for county and municipal purposes within their own limits. The General Assembly may also provide for laying a capitation tax and a tax on licenses, but said capitation tax shall not exceed the sum of one dollar a year and shall be applied exclusively to common school purposes.

Section 6. No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate for taxation for State, county, hundred, school, municipal or other public purposes.

NATHAN PRATT,
E. N. MOORE,
EDWARD D. HEARNE,
D. S. CLARK,
J. WILKINS COOCH.

Mr. Pratt moved to adopt Section 1, as follows:

Section 1. The General Assembly shall provide by law for an annual revenue, which with other resources shall be sufficient to defray the estimated expenses of the State for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws,

but the General Assembly may by general laws exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit.

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.35 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

Mr. Pratt moved to amend Section 1 by adding after the word "profit", line twelve, the following, "and institutions of purely public charity."

Mr. Saulsbury moved to strike out all of Section 1 after the word "may" in line nine, and to insert in lieu thereof the following, "exempt from taxation such property as in the opinion of the General Assembly will best promote the public interests."

Recurring to Mr. Pratt's motion to amend Section 1, it prevailed.

Mr. Spruance moved to strike out lines one, two, three, four, and to the word "shall" in line five and to insert in lieu thereof the words "all taxes,"

Which motion Prevailed.

Recurring to Mr. Saulsbury's motion,

Mr. Cooper moved to insert between the word "may", line nine, and the first word of Mr. Saulsbury's substitute the words "by general laws,"

Which motion Prevailed.

Recurring again to Mr. Saulsbury's motion, it prevailed.

On the question to adopt, as amended, Section 1, it was adopted, as follows:

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public interests.

Mr. Pratt moved to adopt Section 2, as follows:

Section 2. No bill from the operation of which, when passed into a law, revenue may incidentally arise shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

Mr. Cooper moved that Section 14, Article II of the present Constitution be substituted for Section 2 of this report, so as to make Section 2 as follows:

Section 2. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose alterations as on other bills; and no bill, from the operation of which when passed into a law, revenue may incidentally arise, shall be accounted a bill for raising revenue; nor shall any mator clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with or annexed to a bill for raising revenue.

The motion Prevailed.

On motion of Mr. Pratt, Section 3 was read, as follows:

Section 3. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrections, defend the State in war, or to pay existing debts; and all laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

And, by unanimous consent, no action was taken hereon.

Mr. Pratt moved to adopt Section 4, as follows:

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature receiving the affirmative vote of two-thirds of all the members elected to each branch thereof, and subsequently approved by a majority of all the votes cast at the next general election held after such enactment.

Mr. Cooper moved to strike out the words "two-thirds" in line thirty-three and insert in lieu thereof the words "three-fourths,"

Which motion Prevailed.

Mr. Cooper moved to strike out from and including the word "and" in line thirty-four to the end of the section,

Which motion Prevailed.

By general consent Section 4 was passed over without further action.

Mr. Pratt moved to adopt Section 5, as follows:

Section 5. The General Assembly may authorize the several counties and incorporated cities and towns of the State to assess and impose taxes for county and municipal purposes within their own limits. The General Assembly may also provide for laying a capitation tax and a tax on licenses, but said capitation tax shall not exceed the sum of one dollar a year and shall be applied exclusively to common school purposes.

Before action was taken thereon, Mr. Pratt moved to adopt of Section 5, lines thirty-seven, thirty-eight and thirty-nine, and to and including the word "limits" in line forty.

Mr. Cavender moved to add after the word "limits", line forty, Section 5, the following:

But no county, city, town or other municipality shall loan its credit, or appropriate money to, or assume the debt, or be-

come a shareholder or joint owner in or with any private corporation, or any person or company whatever. Neither shall any county, school district or municipal corporation become indebted in any manner or for any purpose to an amount (excluding indebtedness existing at the adoption of this Constitution) in the aggregate exceeding ——— per centum on the value of the taxable property therein, to be ascertained by the last assessment for county taxes prior to the incurring such indebtedness; and all contracts by which indebtedness beyond such limits would be incurred by any municipal corporation shall be void. Any county, school district, or municipal corporation incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within ——— years.

By unanimous consent, Mr. Cavender withdrew his proposed amendment.

Motion to rise, report progress and ask leave to sit again, prevailed.

Tuesday, March 9, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider further the first report of the Committee on Revenue and Taxation,

Mr. Clark in the chair.

Recurring to Mr. Pratt's motion of yesterday to adopt lines thirty-seven, thirty-eight and thirty-nine and to and including the word "limits" in line forty,

The motion Was Lost.

Mr. Pratt moved to adopt the remainder of line forty and lines forty-one, forty-two, forty-three and forty-four.

Mr. Cooch moved to strike out the remainder of Section 5 after the word "year"in line forty-three,

Which motion Prevailed.

Mr. Spruance moved to strike out all of Section 5 and substitute in lieu thereof the following:

"The General Assembly may provide for laying an annual capitation tax for the use of the several counties, which shall be uniform and shall not exceed the sum of one dollar."

Mr. Martin moved as a substitute for Mr. Spruance's amendment, the following:

"The General Assembly shall provide for a poll tax of one dollar per annum on each male citizen of twenty-one years of age and upwards; and no citizen shall be registered or vote at any general election unless such poll tax and the arrearages thereof shall have been paid, but the same may be paid at or before the registration."

The yeas and nays were called hereon, but not taken.

Motion to rise, report progress and ask leave to sit again, was lost.

Recurring to Mr. Martin's motion, the yeas and nays were again called but not taken.

Motion to rise, report progress and ask leave to sit again was made. The chair decided it not in order.

Mr. Cavender appealed from the decision of the chair.

On the question, will this Committee sustain the decision of the chair?

The chair was sustained.

Recurring a second time to Mr. Martin's motion, the yeas and nays were called, but not taken.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.32 o'clock, p. m.

The Committee of the Whole met to consider further the first report of the Committee on Revenue and Taxation,

Mr. Clark in the chair.

Mr. Cooch moved that further consideration of Section 5 be postponed and that Section 7 be taken up,

Which motion Prevailed.

Mr. Cooch moved to adopt Section 7, as follows:

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate for taxation for State, county, hundred, school, municipal or other public purposes.

Mr. Spruance moved to amend Section 7 by inserting in line fifty-two after the word "included" the following, "and in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and improvements thereon shall be included," and to insert in line fifty-four after the word "estate" the following, "or the rental value thereof."

Mr. Pratt moved to strike out the word "included" in line fifty-two and insert in lieu thereof the words "assessed separately."

The motion was not seconded.

Recurring to Mr. Spruance's motion to amend lines fifty-two and fifty-four,

The motion Prevailed.

On the question to adopt, as amended, Section 7, as follows:

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate, or the rental value thereof, for taxation for State, county, hundred, school, municipal or other public purposes.

The motion prevailed, and the section was adopted.

Mr. Pratt moved to take for consideration Section 6,

Which motion Prevailed.

The Secretary read Section 6, as follows:

Section 6. No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

Mr. Saulsbury moved to strike out the word "annually"

in line forty-nine and insert in lieu thereof the words "at least once in every two years,"

Which motion Prevailed.

By general consent, further action on Section 6 was postponed.

Mr. Pratt moved to take up for consideration Section 3,

Which motion Prevailed.

Mr. Pratt moved to strike out of lines twenty, twenty-one and twenty-two the words "to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debts," and insert in lieu thereof the words "upon the approval of three-fourths of all the members elected to both Houses of the General Assembly."

Withdrawn, by unanimous consent.

Mr. Pratt moved to insert in line twenty after the word "State" the following, "without the concurrence of two-thirds of all the members elected to each House of the General Assembly,"

Which motion Prevailed.

Mr. Cooper moved to insert the word "so" in line twenty-six between the words "purpose" and "specified" and to strike out the words "and no other,"

Which motion Was Withdrawn.

Mr. Spruance moved to add after the word "other" in line twenty-six, the following, "without the concurrence of two-thirds of all the members elected to each House of the General Assembly,"

Which motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Wednesday, March 10, 1897.
10.48 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Revenue and Taxation,

Mr. Evans in the chair.

Mr. Spruance moved that the Committee rise, report consideration of the report of the Committee on Revenue and Taxation and request that it be referred back to the standing committee on the subject,

Which motion Prevailed.

Monday, March 15, 1897.
3.02 o'clock, p. m.

The Committee of the Whole met to consider second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

The Committee of the Whole proceeded to consider the following report:

Second report of the Committee on Revenue and Taxation:

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public interests.

Section 2. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose alterations as on other bills; and no bill, from the operation of which, when passed into a law, revenue may incidentally arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

Section 3. No money shall be borrowed or debt created by or on behalf of the State but pursuant to an act of the General Assembly which shall receive the concurrence of three-fourths of all the members elected to each House, except to supply occasional deficiencies of revenue, repel invasion, suppress insurrections, defend the State in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so

borrowed, or any part thereof, be left after the abandonment of such purpose or the accomplishment thereof, such money or the surplus thereof may be disposed of according to law.

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature receiving the affirmative vote of three-fourths of all the members elected to each branch thereof.

Section 5. The General Assembly may also provide for levying a capitation tax upon every male citizen of the State of the age of twenty-one years and over, but said capitation tax shall not exceed the sum of one dollar a year and shall be used exclusively in the county in which it is collected and for maintaining the roads and bridges of such county.

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by bill enacted into law, and a regular account of the receipts and expenditures of all public money shall be published annually, provided, however, that the compensation of members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to a joint resolution in that behalf.

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental value of real estate for taxation, the rental value of the land and the rental value of the buildings and the improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate or the rental value thereof for taxation for State, county, hundred, school, municipal or other public purposes.

Section 8. No county, city, town or other municipality shall loan its credit or appropriate money to, or assume the debt or become a shareholder or joint owner in or with, any private corporation or any person or company whatever. Neither shall any county, school district or municipal corpo-

ration become indebted in any manner or for any purpose to an amount exceeding ten per centum on the assessed value of the real estate therein, said value to be ascertained by the last assessment for county taxes prior to the incurring such indebtedness, and all contracts by which indebtedness beyond such limits would be incurred by any municipal corporation shall be void. Any county, school district or municipal corporation incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within twenty years.

NATHAN PRATT,
E. N. MOORE,
EDWARD D. HEARNE,
D. S. CLARK,
J. WILKINS COOCH.

Mr. Pratt moved to adopt Section 1, as follows:

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public interests.

Mr. Pratt moved to strike out the word "interests" in line seven, Section 1 and insert in lieu thereof the word "welfare,"

Which motion Prevailed.

Recurring to motion to adopt Section 1, as amended, it was adopted, as follows:

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, but the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public welfare.

Mr. Pratt moved to adopt Section 2, as follows:

Section 2. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose

alterations as on other bills; and no bill, from the operation of which, when passed into a law, revenue may incidentally arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever not immediately relating to and necessary for raising revenue be in any manner blended with or annexed to a bill for raising revenue.

The motion Prevailed.

Mr. Pratt moved to adopt Section 3, as follows:

Section 3. No money shall be borrowed or debt created by or on behalf of the State but pursuant to an act of the General Assembly which shall receive the concurrence of three-fourths of all the members elected to each House, except to supply occasional deficiencies of revenue, repel invasion, suppress insurrections, defend the State in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed, or any part thereof, be left after the abandonment of such purpose or the accomplishment thereof, such money or the surplus thereof may be disposed of according to law.

Mr. Cooper moved to strike out of lines five and six the words "supply occasional deficiencies of revenue."

Mr. Spruance moved to strike out of line six the word "occasional" and insert in lieu thereof the word "casual,"

Which motion Prevailed.

Recurring to Mr. Cooper's motion, it was lost.

Mr. Spruance moved to strike out of lines three and four, the words "which shall receive," and insert in lieu thereof the words "passed with,"

Which motion Prevailed.

Recurring to the motion to adopt Section 3, as amended, it was adopted, as follows:

Section 3. No money shall be borrowed or debt created by or on behalf of the State but pursuant to an act of the

General Assembly, passed with the concurrence of three-fourths of all the members elected to each House, except to supply casual deficiencies of revenue, repel invasion, suppress insurrections, defend the State in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed or any part thereof be left after the abandonment of such purpose or the accomplishment thereof, such money or the surplus thereof may be disposed of according to law.

Mr. Pratt moved to adopt Section 4, as follows:

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature receiving the affirmative vote of three-fourths of all the members elected to each branch thereof.

By unanimous consent, Sections 4 and 5 were passed over without any action being taken on them.

Mr. Pratt moved to adopt Section 6, as follows:

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by bill enacted into law, and a regular account of the receipts and expenditures of all public money shall be published annually, provided, however, that the compensation of members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to a joint resolution in that behalf.

Mr. Spruance moved to strike out of line five the words, "bill enacted into law," and insert in lieu thereof the words, "act of the General Assembly,"

Which motion Prevailed.

Mr. Cooper moved to strike out of line five the word "annually," and insert in lieu thereof the words, "at least once in two years,"

Which motion Was Lost.

Mr. Bradford moved to strike out of line nine the words, "a joint,"

Which motion Prevailed.

Mr. Bradford moved to strike out the word "and" in line three, following the word "Assembly," and transpose the section to read as follows:

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by act of General Assembly, provided, however, that the compensation of members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to resolution in that behalf.

A regular account of the receipts and expenditures of all public money shall be published annually.

The motion Prevailed.

Recurring to motion to adopt, as amended, Section 6, as follows:

Section 6. No money shall be drawn from the treasury but pursuant to an appropriation made by act of General Assembly, provided, however, that the compensation of members of the General Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to resolution in that behalf.

A regular account of the receipts and expenditures of all public money shall be published annually.

The motion Prevailed.

Mr. Moore moved to adopt Section 7, as follows:

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental value of real estate for taxation, the rental value of

the land and the rental value of the buildings and the improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate or the rental value thereof for the taxation for State, county, hundred, school, municipal or other public purposes.

No action taken thereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Tuesday, March 16, 1897.
10.47 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

The Chair stated the pending question was on the adoption of Section 7.

Mr. Bradford raised the point of order that as Section 7 had once been adopted in Committee of the Whole, that its adoption was not in order now.

The Chair decided that it was in order.

An appeal was taken from the decision of the Chair.

On the question, shall the decision of the Chair stand as the decision of the Committee?

The decision of the Chair was sustained.

Mr. Cooch moved to adopt Section 7.

Mr. Martin moved to insert in line three, after the word "shall," in line seven, the following:

"Until the General Assembly shall otherwise provide,"

Which motion Was Lost.

Recurring to the motion to adopt Section 7,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Cannon, Carlisle, Cavender, Clark, Cooch, Cooper, Evans, Gilchrist, Hearne, Horsey, Hering, Moore, Murray, Sapp, Saulsbury, Smithers, Spruance, Wright.

Nays—Messrs. Dasey, Donahoe, Johnson, Martin, Pratt.

Yeas, 20; nays, 5.

So the question was decided in the affirmative, and Section 7 was adopted, as follows:

Section 7. In all assessments of real estate for taxation, the value of the land and the value of the buildings and improvements thereon shall be included. And in all assessments of the rental of real estate for taxation, the rental value of the land and the rental value of the buildings and the improvements thereon shall be included. The foregoing provisions of this section shall apply to all assessments of real estate or the rental value thereof for taxation for State, county, hundred, school, municipal or other public purposes.

Mr. Pratt moved to adopt Section 4, as follows:

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than by enactment of the Legislature receiving the affirmative vote of three-fourths of all the members elected to each branch thereof.

Mr. Cooper moved to insert in line three, between the words "to" and "nor," the words, "any county, municipality or corporation,"

Which motion Prevailed.

Mr. Spruance moved to strike out of lines six, seven, eight and nine, the following:

"By enactment of the Legislature receiving the affirmative vote of three-fourths of all the members elected to each branch thereof," and insert in lieu thereof the following: "Pursuant to an Act of the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House."

The motion Prevailed.

Recurring to the motion to adopt Section 4, it was adopted, as amended, as follows:

Section 4. No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to any county, municipality or corporation, nor shall the credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality or corporation, be pledged otherwise than pursuant to an act of the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House.

Mr. Pratt moved to adopt Section 8, as follows:

Section 8. No county, city, town or other municipality shall loan its credit or appropriate money to, or assume the debt or become a shareholder or joint owner in or with, any private corporation or any person or company whatever. Neither shall any county, school district or municipal corporation become indebted in any manner or for any purpose to an amount exceeding ten per centum on the assessed value of the real estate therein, said value to be ascertained by the last assessment for county taxes prior to the incurring such indebtedness, and all contracts by which indebtedness beyond such limits would be incurred by any municipal corporation shall be void. Any county, school district or municipal corporation incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within twenty years.

Mr. Cavender moved to strike out of line eight the word "ten" and insert in lieu thereof the word "six."

By unanimous consent, Mr. Pratt and Mr. Cavender were allowed to withdraw their motions.

Mr. Pratt moved to adopt lines one, two, three, four and to and including the word "whatever" in line five.

Mr. Evans moved to insert the word "with" in line five before the word "any,"

Which motion Prevailed.

By unanimous consent, the word "of" was inserted between the words "debt" and "or" in line three.

Recurring to the motion to adopt, the lines, as amended, were adopted, as follows:

Section 8. No county, city, town or other municipality shall loan its credit or appropriate money to, or assume the debt of or become a shareholder or joint owner in or with any private corporation, or with any person or company whatever.

Motion to rise, report progress and ask leave to sit again, prevailed.

———

Same Day, 2.39 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

Mr. Cavender moved to strike out of line eight the word "ten" and insert in lieu thereof the word "six."

Mr. Biggs moved that that part of Section 8 after the word "whatever," line five, be reported back to the Convention with the request that it be referred to the standing Committee on Revenue and Taxation,

Which motion Prevailed.

Mr. Spruance moved that the Committee now rise, and report the adoption, with amendments of Sections 1, 2, 3, 4, 6, 7 and that portion of Section 8 to the word "whatever" in line five; and that the Committee recommend that the remaining portion of Section 8 be recommitted to the standing committee, and ask leave to sit again in reference to Section 5.

The motion Prevailed.

Wednesday, March 17, 1897.
2.08 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

Mr. Pratt moved to adopt Section 5.

Mr. Pratt moved to strike out the word "county" in line six and insert the word "hundred"; also to strike out the word "county" in line seven and insert the word "hundred,"

Which motion Was Lost.

Mr. Biggs moved to strike out all of the section after the word "collected" in line six,

Which motion Prevailed.

Mr. Martin moved as a substitute for Section 5, the following:

Every citizen of this State twenty-one years of age and upwards shall pay a poll tax of one dollar per annum for the use of the county in which he resides. The said tax may be paid at or before registration; but the same, together with the arrearages thereof, shall be paid before such taxable shall be allowed to register, and should he neglect or refuse to register, then the same shall be collected as may be provided by law.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Donahoe, Horsey, Johnson, Martin, Sapp.

Nays—Messrs. Burris, Cannon, Carlisle, Clark, Ellegood, Gilchrist, Hearne, Hering, Moore, Pratt, Saulsbury, Smithers, Wright.

Yeas, 5; nays, 13.

So the question was decided in the negative, and the proposed substitute was rejected.

Mr. Ellegod moved to strike out of line one the words "may also" and insert in lieu of them the word "shall," and in line two insert after the word "levying" the words "and collecting," and insert before the word "capitation" the word uniform," and strike out of lines four and five the words "shall not exceed the sum of one dollar a year and."

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, was lost.

On the question to adopt, as amended, lines one, two and three and to and including the word "over" in line four,

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Thursday, March 18, 1897.
11.25 o'clock, a. m.

The Committee of the Whole met to consider part of the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

Mr. Pratt moved to adopt Section 5.

Mr. Bradford moved as a substitute for lines one, two and three and to and including the word "over" of line four the following:

The General Assembly shall provide for the levying and collecting a capitation tax from every male citizen of the State of the age of twenty-one years or upwards; but such tax to be collected in any county shall be uniform throughout that county.

Mr. Richards moved to amend the substitute by striking out the word "shall" and inserting in lieu of it the word "may,"

Which motion Was Lost.

Recurring to Mr. Bradford's motion, it prevailed.

Recurring to the question to adopt, as amended, lines one, two and three and to and including the word "over" in line four,

The motion was lost, and the lines were rejected.

Mr. Spruance moved to reconsider this last vote,

Which motion Prevailed.

By unanimous consent, the word "but" in line four was stricken out and the word "and" inserted in lieu of it.

On the question to adopt, as amended, Section 5, as follows:

Section 5. The General Assembly shall provide for the levying and collecting a capitation tax from every male citizen of the State of the age of twenty-one years or upwards; and such tax, to be collected in any county, shall be uniform throughout that county, and such capitation tax shall be used exclusively in the county in which it is collected.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Clark, Cooper, Dasey, Ellegood, Gilchrist, Horsey, Hering, Johnson, Moore, Murray, Sapp, Smithers, Spruance.

Nays—Messrs. Biggs, Burris, Donahoe, Evans, Hearne, Martin, Richards, Saulsbury, Wright.

Yeas, 14; nays, 9.

So the question was decided in the affirmative, and the section was adopted.

Motion to rise, report having adopted, as amended, Section 5, and recommend its adoption by the Convention, prevailed.

———

Same Day, 2.33 o'clock, p. m.

The Committee of theWhole met to consider the second report of the Committee on the Judiciary,

Mr. Gilchrist in the chair.

The Commitee of the Whole proceeded to consider the following report:

Second report of the Committee on the Judiciary.

The Committee on the Judiciary recommends that the following be substituted for Article VI of the Constitution:

ARTICLE VI.

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time by law establish.

Section 2. There shall be six State judges; one of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State, but no two of them shall reside in the same county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, if they shall so long behave themselves well, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and such other executive business as may come before it for action. Such vacancy shall be filled as aforesaid for the full term.

The said appointments shall be such, that no more than three of the said six judges, in office at the same time, shall have been appointed from the same political party.

Section 4. Any of the said judges shall have the right to resign his office after reaching the age of seventy years, and thereafter receive the full salary attached to the office until the

end of the term for which he was appointed, provided, that during said term and before his resignation, he shall have continued in the active discharge of his office for at least one-half of said term.

Section 5. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

Section 6. The Chief Justice and the four Associate Judges shall be the judges of the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer.

They shall designate those of their number who shall hold the said courts in the several counties; but no more than three of them shall sit together in any of the said courts. In each of the said courts the Chief Justice, when present, shall preside, and in his absence the senior Associate Judge present shall preside. Two shall constitute a quorum in the said courts respectively, but one may open and adjourn court.

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law, and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

Section 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

Section 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

Section 10. Two sessions of the Superior Court, Court of General Sessions or Court of Oyer and Terminer may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

Section 11. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

Section 12. The Orphans' Court in each county shall consist of the Chancellor and the Associate Judge required to reside in the county. The Chancellor, when present, shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

Section 13. The Supreme Court shall have jurisdiction, as follows:

1. To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

2. To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, or imprisonment exceeding six months, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution.

3. To receive appeals from the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution, and to determine finally all matters of appeal in such cases.

4. To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in Chancery.

Section 14. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Section 15. The Supreme Court upon an appeal from the Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Section 16. Whenever the Superior Court, Court of Oyer and Terminer or Court of General Sessions shall consider that a question of law ought to be heard by the Court in Banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the Court in Banc shall consist of the Chief Justice and the four Associate Judges. The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn the court.

The Superior Court, Court of Oyer and Terminer or Court of General Sessions in exercising this power, may direct a cause to be proceeded in to verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

Section 17. In matters of chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an ap-

peal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Section 18. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

Section 19. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county.

Section 20. The General Assembly, notwithstanding anything contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Orphans' Court, or the Court of Chancery, in any matter, or giving any power to either of said courts. The General Assembly shall also have power to confer upon the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers additional to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the Court of Errors and Appeals.

Section 21. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, beside the general powers of the Court of Chancery; and the Chief Justice and Associate Judges shall each singly exercise all the powers

which any law of this State vests in the judges singly of the Superior Court.

Section 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

Section 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

Section 24. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing upon such terms as they shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

Section 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the cost then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Section 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias, thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily

made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

Section 27. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all cost, or otherwise abide the decree in appeal or the judgment in error, if he fails to make his plea good.

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering, or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compus mentis, or a prisoner, and then within five years exclusive of the time of such disability.

Section 29. The Prothonotary of the Superior Court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.

Section 30. The General Assembly may by law give to any inferior courts by them established, or to be established, or to one or more justices of the peace, jurisdiction of criminal matters where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days, or both. The General Assembly may by law regulate this jurisdiction, and provide

that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions. The matters within this section are hereby expected and excluded from the provision of the Constitution, that "no person shall for any indictable offence be proceeded against criminally by information" and also from the provisions of the Constitution concerning trial by jury.

Section 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be provided by law, who shall be commissioned for five years, if so long they shall behave themselves well.

Section 32. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law, if so long they shall behave themselves well; and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session such vacancy shall be filled by appointment by the Governor until the Senate shall next be in session.

Section 33. The Governor may for any reasonable cause, in his discretion, remove any judge or justice of the peace on the address of two-thirds of all the members elected to each House of the General Assembly. In all cases where the General Asembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive such notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

Section 34. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing, and make part of the proceedings in the cause. This court may issue process throughout the State to compel the attendance of witnesses.

Appeals may be made from a Register's Court to the Superior Court, whose decisions shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

Section 35. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same, according to the very right of the matter, and the law of the land; which account so settled shall remain in his office for inspection; and the executor or administrator shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant, or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

Section 36. The style in all process and public acts shall be the THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

W. C. SPRUANCE,
MARTIN B. BURRIS,
EDWARD D. HEARNE,
CHARLES F. RICHARDS,
GEORGE H. MURRAY,
WOODBURN MARTIN,
WILSON T. CAVENDER,
EDWARD G. BRADFORD.

Mr. Spruance moved to adopt Section 1, as follows:

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time by law establish.

Mr. Evans moved to insert in line two after the words "Superior Court" the words "a Court of Common Pleas, in and for New Castle county."

Mr. Biggs moved that action on Section 1, and proposed amendment, be postponed,

Which motion Prevailed.

Mr. Spruance moved to adopt Section 6, as follows:

Section 6. The Chief Justice and the four Associate Judges shall be the judges of the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer.

They shall designate those of their number who shall hold the said courts in the several counties; but no more than three of them shall sit together in any of the said courts. In each of the said courts the Chief Justice, when present, shall preside, and in his absence the senior Associate Judge present shall preside. Two shall constitute a quorum in the said courts respectively, but one may open and adjourn court.

Mr. Biggs moved to strike out all of Section 6 down to the word "in" in line seven and to insert in lieu thereof the following:

"The Superior Court, the Court of General Sessions and the Court of Oyer and Terminer shall, whenever practicable, consist of the Chief Justice and two Associate Judges. The Chief Justice and and the four Associate Judges shall designate those of their number who shall hold the said courts in the several counties."

The motion Prevailed.

Mr. Biggs moved to insert in line ten between the words "respectively" and "but" the following, "except in the Court of Oyer and Terminer, where three shall constitute a quorum."

The motion Prevailed.

On the question to adopt, as amended, Section 6, it was adopted, as follows:

Section 6. The Superior Court, the Court of General Sessions and the Court of Oyer and Terminer shall, whenever practicable, consist of the Chief Justice and two Associate Judges. The Chief Justice and the four Associate Judges shall designate those of their number who shall hold the said courts in the several counties. In each of the said courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Two shall constitute a quorum in the said courts respectively, except in the Court of Oyer and Terminer, where three shall constitute a quorum, but one may open and adjourn court.

Mr. Spruance moved to adopt Section 1, as follows:

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two- thirds of all the members elected to each House, shall from time to time by law establish.

The motion Prevailed.

Mr. Spruance moved to adopt Section 2, as follows:

Section 2. There shall be six State judges. One of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State, but no two of them shall reside in the same county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

The motion Prevailed.

Mr. Spruance moved to adopt Section 3, as follows:

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, if they shall so long behave themselves well, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and such other executive business as may come before it for action. Such vacancy shall be filled as aforesaid for the full term.

The said appointments shall be such, that no more than three of the said six judges, in office at the same time, shall have been appointed from the same political party.

Mr. Spruance moved to adopt as follows lines one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve:

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, if they shall so long behave themselves well, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and such other executive business as may come before it for action. Such vacancy shall be filled as aforesaid for the full term.

The motion Prevailed.

Mr. Spruance moved to adopt lines thirteen, fourteen and fifteen, as follows:

The said appointments shall be such, that no more than three of the said six judges, in office at the same time, shall have been appointed from the same political party.

Mr. Martin moved to strike out of line fourteen the words "said six judges" and insert in lieu of them the words "judges of the Superior Court."

No action taken hereon.

Mr. Spruance moved that further consideration of lines thirteen, fourteen and fifteen be postponed,

Which motion Prevailed

Mr. Spruance moved to adopt Section 4, as follows:

Section 4. Any of the said judges shall have the right to resign his office after reaching the age of seventy years, and thereafter receive the full salary attached to the office until the end of the term for which he was appointed, provided, that during said term and before his resignation, he shall have continued in the active discharge of his office for at least one-half of said term.

Mr. Dasey moved to strike out of line three the words "the full" and insert in lieu thereof the words "one-half of the."

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Friday, March 19, 1897.
10.46 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on the Judiciary,

Mr. Gilchrist in the chair.

By unanimous consent, Mr. Dasey withdrew his motion of yesterday to amend Section 4.

Recurring to Mr. Spruance's motion of yesterday to adopt Section 4, it was lost.

Mr. Spruance moved to adopt Section 5, as follows:

Section 5. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

Mr. Cooper moved to strike out of lines four and five the words "and shall not be less than the annual sum of three thousand dollars,"

Which motion Was Withdrawn.

Recurring to the motion to adopt Section 5, as follows:

Section 5. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

The motion Prevailed.

Mr. Spruance moved to adopt Sections 7, 8 and 9, as follows:

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

Section 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

Section 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

The motion Prevailed.

Mr. Spruance moved to adopt Section 10, as follows:

Section 10. Two sessions of the Superior Court, Court of General Sessions or Court of Oyer and Terminer may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

Mr. Spruance moved to insert in line one after the word "court" the word "or" and to strike out lines four and five the words, "or Court of Oyer and Terminer."

Which motion Prevailed.

Mr. Biggs moved to insert in line two after the word "sessions" the words "or one session of each of the said courts, or one session of the Court of Oyer and Terminer and either of the other of the said courts,"

Which motion Prevailed.

On the question to adopt, as amended, Section 10, as follows:

Section 10. Two sessions of the Superior Court or Court of General Sessions or one session of each of the said courts or one session of the Court of Oyer and Terminer and

of either of the other of the said courts may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, was lost.

Mr. Spruance moved to adopt Section 11, as follows:

Section 11. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

The motion Prevailed.

Mr. Spruance moved to adopt Section 12.

The Secretary read Section 12, as follows:

Section 12. The Orphans' Court in each county shall consist of the Chancellor and the Associate Judge required to reside in the county. The Chancellor, when present, shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

Mr. Spruance moved to adopt the following of Section 12, viz., lines one, two, three, four and five:

Section 12. The Orphans' Court in each county shall consist of the Chancellor and the Associate Judge required to

reside in the county. The Chancellor when present shall preside. One of them shall constitute a quorum.

The motion Prevailed.

Mr. Spruance moved to adopt the remainder of Section 12 viz: lines six to fourteen, inclusive.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal, if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

The motion· Prevailed.

Mr. Spruance moved to adopt Section 14, as follows:

Section 14. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.05 o'clock, p. m.

The Committee of the Whole met to consider further the second report of the Committee on the Judiciary.

Mr. Gilchrist in the chair.

Recurring to the motion of this morning to adopt Section 14, as follows:

Section 14. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them of them shall constitute a quorum, and one of them may open and adjourn the court.

The motion Prevailed.

Mr. Spruance moved to adopt Section 15, as follows:

Section 15. The Supreme Court upon an appeal from the Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

By unanimous consent, the word "the" in line four of the second paragraph was stricken out.

Recurring to the motion to adopt, as amended, Section 15, as follows:

Section 15. The Supreme Court upon an appeal from the

Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

The motion Prevailed.

Mr. Spruance moved to adopt Section 16, as follows:

Section 16. Whenever the Superior Court, Court of Oyer and Terminer or Court of General Sessions shall consider that a question of law ought to be heard by the Court in Banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the Court in Banc shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn the court.

The Superior Court, Court of Oyer and Terminer or Court of General Sessions in exercising this power, may direct a cause to be proceeded in to verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

The motion Prevailed.

Mr. Spruance moved to adopt Section 17, as follows:

Section 17. In matters of chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Mr. Richards moved to insert in line two before the word "interested" the words "or absent from the State."

The motion Was Withdrawn.

Recurring to the motion to adopt as follows, Section 17.

Section 17. In matters of Chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

The motion Prevailed.

Mr. Spruance moved to adopt Section 18,as follows:

Section 18. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

Mr. Spruance moved to insert in line six after the word "judge" the following, "or other causes,"

Which motion Prevailed.

Recurring to the motion to adopt, as amended, Section 18, as follows:

Section 18. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge or other causes a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or

exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

The motion Prevailed.

Mr. Spruance moved to adopt Section 19, as follows:

Section 19. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county.

No action taken hereon.

Mr. Spruance moved to adopt Section 20, as follows:

Section 20. The General Assembly, notwithstanding any thing contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Orphans' Court, or the Court of Chancery, in any matter, or giving any power to either of said courts. The General Assembly shall also have power to confer upon the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers additional to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the Court of Errors and Appeals.

The motion Prevailed.

Mr. Spruance moved to adopt Section 21, as follows:

Section 21. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, beside the general powers of the Court of Chancery; and the Chief Justice and the Associate Judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

The motion Prevailed.

Mr. Spruance moved to adopt Section 22, as follows:

Section 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

The motion Prevailed.

Mr. Spruance moved to adopt Section 23, as follows:

Section 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

The motion Prevailed.

Mr. Spruance moved to adopt Section 24, as follows:

Section 24. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing upon such terms as they shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

The motion Prevailed.

Mr. Spruance moved to adopt Section 25, as follows:

Section 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the cost then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

The motion Prevailed.

Mr. Spruance moved to adopt Section 26, as follows:

Section 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias, thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

The motion Prevailed.

Mr. Spruance moved to adopt Section 27, as follows:

Section 27. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all cost, or otherwise abide the decree in appeal or the judgment in error, if he fails to make his plea good.

The motion Prevailed.

Mr. Spruance moved to adopt Section 28, as follows:

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering, or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compus mentis, or a prisoner, and then within five years exclusive of the time of such disability.

The motion Prevailed.

Mr. Spruance moved to adopt Section 29, as follows:

Section 29. The Prothonotary of the Superior Court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Monday, March 22, 1897.
2.07 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on the Judiciary,

Mr. Gilchrist in the chair.

Mr. Spruance moved to adopt Section 31, as follows:

Section 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be provided by law, who shall be commissioned for five years, if so long they shall behave themselves well.

Mr. Hering moved as a substitute for Section 31, the following:

"Justices of the Peace shall be elected in the several hundreds by the qualified electors thereof for a term of four years, if they so long behave themselves well, as shall be provided by law."

Which motion Was Lost.

Mr. Hearne moved to strike out of line four the word "five" and insert in lieu thereof the word "six,"

Which motion Was Lost.

Mr. Martin moved to strike out of line four the word "five" and insert in lieu thereof the word "four,"

Which motion Prevailed.

Recurring to the motion to adopt, as amended, Section 31, as follows:

Section 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be provided by law, who shall be commissioned for four years, if so long they shall behave themselves well.

The motion Prevailed.

Mr. Spruance moved to adopt Section 32, as follows:

Section 32. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law, if so long they shall behave themselves well; and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session such vacancy shall be filled by appointment by the Governor until the Senate shall next be in session.

By unanimous consent, the "29" in line three was made to read "30."

Recurring to the motion to adopt Section 32, as follows:

Section 32. Justices of the Peace and the Judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law, if so long they shall behave themselves well; and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, such vacancy shall be filled by appointment by the Governor until the Senate shall next be in session.

The motion Prevailed

Mr. Spruance moved to adopt Section 33, as follows:

Section 33. The Governor may for any reasonable cause, in his discretion, remove any judge or justice of the peace on the address of two-thirds of all the members elected to each House of the General Assembly. In all cases where the General Asembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive such notice thereof, accompanied with the cause alleged for his removal, at least ten days before the

day on which either House of the General Assembly shall act thereupon.

The motion Prevailed.

Mr. Spruance moved to adopt Section 34, as follows:

Section 34. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the State to compel the attendance of witnesses. Appeals may be made from a Register's Court to the Superior Court, whose decision shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

The motion Prevailed.

Mr. Spruance moved to adopt Section 35, as follows:

Section 35. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same, according to the very right of the matter, and the law of the land; which account so settled shall remain in his office for inspection; and the executor or administrator shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant, or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

The motion Prevailed.

Mr. Spruance moved to adopt Section 36, as follows:

Section 36. The style in all process and public acts shall be the THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

The motion Prevailed.

Mr. Biggs moved to reconsider the vote by which Section 12 was adopted,

Which motion Prevailed.

Mr. Biggs moved to insert in line nine between the words "thereof" and "there" the words "and in all matter affecting guardians or guardians' accounts,"

Which motion Prevailed.

Section 12 was then adopted as amended.

Mr. Spruance moved to reconsider the vote by which Section 2 was adopted,

Which motion Prevailed.

Mr. Spruance moved to strike out of lines seven and eight the words, "but no two of them shall reside in the same county" and insert in lieu thereof the words, "They shall be resident Associate Judges, and one of them shall reside in each county."

Mr. Martin moved to insert in line two after the word "State" the words "and shall reside therein,"

Which motion Was Withdrawn.

Mr. Biggs moved as a substitute for Section 6, the following:

Section 6. The Chief Justice and the four Associate Judges shall compose the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer, as hereinafter prescribed.

The said five judges shall designate those of their number who shall hold the said courts in the several counties. When-

ever practicable the said courts shall consist of three of the said five judges, but no more than three of them shall sit together in any of the said courts. In each of the said courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside.

Two shall constitute a quorum in the said courts respectively, except in the court of Oyer and Terminer, where three shall constitute a quorum.

One may open and adjourn court.

The motion Prevailed.

Mr. Biggs moved to reconsider the vote by which Section 12 was adopted,

Which motion Prevailed.

Mr. Biggs moved to insert in line two, before the word "associate," the word "resident," and strike out of line three the words "required to reside in," and insert in lieu thereof the word "of,"

Which motion Prevailed.

Section 12 was then adopted, as follows:

Section 12. The Orphans' Court in each county shall consist of the Chancellor and the resident Associate Judge of the county. The Chancellor when present shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value, or other value thereof, and in all matters affecting guardians or guardians accounts, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

Mr. Spruance moved to adopt Section 2, as follows:

Section 2. There shall be six State judges; one of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State, but no two of them shall reside in the same county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

Mr. Bradford moved to strike out lines seven and eight and insert in lieu of them: "They shall be resident Associate Judges and one of them shall reside in New Castle county, one of them in Kent county and one of them in Sussex county."

The motion Was Lost.

Recurring to Mr. Spruance's motion, it prevailed.

Mr. Spruance moved to reconsider the vote by which Section 2 was adopted,

Which motion Prevailed.

Mr. Hearne moved to insert in line one, after the word "judges" the words, "who shall be learned in the law,"

Which motion Prevailed.

Section 2, as amended, was adopted, as follows:

Section 2. There shall be six State judges, who shall be learned in the law. One of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State. They shall be resident Associate

Judges, and one of them shall reside in each county. In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

Mr. Spruance moved to reconsider the vote by which Section 28 was adopted,

Which motion Prevailed.

Mr. Spruance moved to strike out of line three the words "but within five years from this time; nor," and insert in lieu thereof the word "or,"

Which motion Prevailed.

Section 28, as amended, was then adopted, as follows:

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compus mentis, or a prisoner, and then within five years exclusive of the time of such disability.

Mr. Spruance moved to adopt lines thirteen, fourteen and fifteen, Section 3.

Mr. Martin moved to strike out the word "six" in line thirteen, Section 3, and insert the words "five law."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Horsey, Johnson, Martin, Moore, Orr.

Nays—Messrs. Burris, Cannon, Clark, Hering, Sapp, Spruance, Wright.

Yeas, 13; nays, 7.

So the question was decided in the affirmative, and the motion prevailed.

On the question to adopt, as amended, lines thirteen, fourteen and fifteen, Section 3, as follows:

The said appointments shall be such that no more than three of the said five law judges, in office at the same time, shall have been appointed from the same political party.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cannon, Clark, Dasey, Ellegood, Gilchrist, Hering, Martin, Moore, Orr, Spruance, Wright.

Nays—Messrs. Cooper, Donahoe, Hearne, Horsey, Johnson, Sapp.

Yeas, 14; nays, 6.

So the question was decided in the affirmative, and the lines, as amended, were adopted.

Mr. Spruance moved that

Section 5 should be Section 4.

Section 6 should be Section 5.

Section 10 should be Section 6.

Section 11 should be Section 10.

Section 12 should be Section 11.

Section 13 should be Section 12.

Section 14 should be Section 13.

Section 15 should be Section 14.

Section 16 should be Section 15.

Section 17 should be Section 16.

Section 18 should be Section 17.

Section 19 should be Section 18.

Section 20 should be Section 19.

Section 21 should be Section 20.

Section 22 should be Section 21.

Section 23 should be Section 22.

Section 24 should be Section 23.

Section 25 should be Section 24.

Section 26 should be Section 25.

Section 27 should be Section 26.

Section 28 should be Section 27.

Section 29 should be Section 28.

Section 30 should be Section 29.

Section 31 should be Section 30.

Section 32 should be Section 31.

Section 33 should be Section 32.

Section 34 should be Section 33.

Section 35 should be Section 34.

Section 36 should be Section 35.

The motion Prevailed.

Mr. Spruance moved to take up for consideration Section 12, formerly Section 13,

Which motion Prevailed.

The Secretary read Section 12, as follows:

Section 12. The Supreme Court shall have jurisdiction, as follows:

1. To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

2. To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and

Terminer and the Court of General Sessions in all cases in which the sentence shall be death, or imprisonment exceeding six months, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution.

3. To receive appeals from the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution, and to determine finally all matters of appeal in such cases.

4. To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in Chancery.

Mr. Spruance moved to adopt paragraph one, lines one to five inclusive, as follows:

Section 12. The Supreme Court shall have jurisdiction as follows:

(1). To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph two, lines six to seventeen inclusive, as follows:

2. To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, or imprisonment exceeding six months, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution.

Mr. Biggs raised the point of order that this motion was out of order, in as much as this paragraph had once been adopted.

The Chair decided that Mr. Biggs' point was well taken.

Mr. Spruance appealed from the decision of the chair.

Motion to rise, report progress and ask leave to sit again, was lost.

On the question: Shall the decision of the Chair stand as the decision of the Committee?

No action was taken.

Mr. Spruance withdrew his appeal.

Motion to rise, report progress and ask leave to sit again, prevailed.

———

Same Day, 7.35 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on the Judiciary,

Mr. Gilchrist in the chair.

Mr. Spruance moved the reconsideration of the vote by which paragraph e., Section 1, first report of the Committee on the Judiciary, was adopted,

Which motion Prevailed.

Mr. Biggs moved to strike out of Section 12, line nine, the word "or," out of line ten, the word "six" and insert in lieu thereof the word "one"; strike off the final "s" of months in line ten, and insert in line ten after the word "months" the words "or fine exceeding $100."

The motion Prevailed.

Recurring to motion to adopt, as amended, paragraph two, Section 12, as follows:

(2). To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, or imprisonment exceeding one month, or fine exceeding $100, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution.

The motion Prevailed.

Mr. Spruance moved the adoption, as follows, of paragraph 3, Section 12:

(3). To receive appeals from the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution, and to determine finally all matters of appeal in such cases.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph 4, Section 12, as follows:

(4). To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery.

The motion Prevailed.

Mr. Bradford moved the following to be paragraph 5 of Section 12.

(5). To issue writs of prohibition, certiorari and mandamus to the Superior Court, the Court of Oyer and Terminer, the Court of General Sessions, the Court of Chancery and the Orphans' Court, or any of the judges of the said courts, and all orders, rules and process proper to give effect to the same. The General Assembly shall have power to provide by law of what judges the Supreme Court shall consist for the purposes of this paragraph and in what manner, and by what judges of

the Supreme Court, the jurisdiction and power hereby conferred may be exercised in vacation.

The motion Prevailed.

Mr. Spruance moved to adopt Section 18, formerly Section 19, as follows:

Section 18. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county.

Mr. Bradford moved to add after the word "county" line four, the following:

No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.

The motion Prevailed.

Section 18, formerly Section 19, was then adopted, as follows:

Section 18. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county.

No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.

Mr. Spruance moved to adopt Section 29, formerly Section 30, as follows:

Section 29. The General Assembly may by law give to any inferior courts by them established, or to be established, or to one or more justices of the peace, jurisdiction of criminal matters where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days, or both. The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the

privilege of appeal to the Court of General Sessions. The matters within this section are hereby excepted and excluded from the provisions of the Constitution that "No person shall for any indictable offence be proceeded against criminally by information," and also from the provisions of the Constitution concerning trial by jury.

Mr. Biggs moved the following as a substitute for Section 29, formerly Section 30:

Section 29. The General Assembly may by law give to any inferior courts by them established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say: assaults and batteries, keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house, retailing or selling without license, or on Sunday, or to minors, wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors contrary to law, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly, from time to time, may with the concurrence of two-thirds of all the members elected to each House prescribe. The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions; provided, however, that there shall be an appeal to the Court of General Sessions in all cases in which the sentence shall be imprisonment exceeding one month, or fine exceeding one hundred dollars. The matters within this section shall be and the same hereby are excepted and excluded from the provision of the Constitution that "No person shall for any indictable offence be proceeded against criminally by information," and also from the provisions of the Constitution concerning trial by jury.

The motion Prevailed.

Mr. Biggs moved to adopt the substitute,

Which motion Prevailed.

On motion of Mr. Spruance, the report of thirty-five sections was adopted as a whole, as follows:

ARTICLE VI.

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions, a Register's Court, Justices of the Peace and such other courts as the General Assembly, with the concurrence of two-thirds of all the members elected to each House, shall from time to time by law establish.

Section 2. There shall be six State judges. One of them shall be Chancellor, one of them Chief Justice and the other four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may be appointed from and reside in any part of the State. The other three Associate Judges may be appointed from any part of the State, but no two of them shall reside in the same county.

In case the commissions of two or more of the Associate Judges shall be of the same date, they shall, as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

Section 3. The Chancellor, Chief Justice and Associate Judges shall be appointed by the Governor by and with the consent of three-fifths of all the members elected to the Senate, for the term of twelve years, if they shall so long behave themselves well, and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and such other executive business as may come before it for action. Such vacancy shall be filled as aforesaid for the full term.

The said appointments shall be such that no more than three of the said five law judges, in office at the same time, shall have been appointed from the same political party.

Section 4. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services a compensation which shall be fixed by law and paid quar-

terly, and shall not be less than the annual sum of three thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them, except as provided by law. They shall hold no other office of profit.

Section 5. The Superior Court, the Court of General Sessions and the Court of Oyer and Terminer shall, whenever practicable, consist of the Chief Justice and two Associate Judges. The Chief Justice and the four Associate Judges shall designate those of their number who shall hold the said courts in the several counties. In each of the said courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Two shall constitute a quorum in the said courts respectively, except in the Court of Oyer and Terminer, where three shall constitute a quorum, but one may open and adjourn court.

Section 6. Two Sessions of the Superior Court or Court of General Sessions or one session of each of the said courts or one session of the Court of Oyer and Terminer and of either of the other of the said courts may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

Section 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

Section 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

Section 10. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

Section 11. The Orphans' Court in each county shall consist of the Chancellor and the Associate Judge required to reside in the county. The Chancellor, when present, shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, and in all matters affecting guardians or guardians' accounts, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeal if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

Section 12. The Supreme Court shall have jurisdiction as follows:

(1). To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

(2). To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, or imprisonment exceeding one month, or fine exceeding $100, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution.

(3). To receive appeals from the Court of General Sessions in cases of prosecutions under Section 2 of Article — of this Constitution, and to determine finally all matters of appeal in such cases.

(4). To receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery.

(5). To issue writs of prohibition, certiorari and mandamus to the Superior Court, the Court of Oyer and Terminer, the Court of General Sessions, the Court of Chancery and the Orphans' Court, or any of the judges of the said courts, and all orders, rules and process proper to give effect to the same. The General Assembly shall have power to provide by law of what judges the Supreme Court shall consist for the purposes of this paragraph and in what manner, and by what judges of the Supreme Court, the jurisdiction and power hereby conferred may be exercised in vacation.

Section 13. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor when present shall preside, and in his absence the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the court.

Section 14. The Supreme Court upon an appeal from the Court of Chancery shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 15. Whenever the Superior Court, Court of Oyer and Terminer or Court of General Sessions shall consider that a question of law ought to be heard by the Court in Banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the Court in Banc shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his

absence the senior Associate Judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn the court.

The Superior Court, Court of Oyer and Terminer or Court of General Sessions in exercising this power, may direct a cause to be proceeded in to verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

Section 16. In matters of chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in this case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn court.

Section 17. The Governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the Superior Court, Court of Oyer and Terminer, Court of General Sessions or Supreme Court, where by reason of legal exception to the Chancellor or any judge or other causes a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

Section 18. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county.

No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.

Section 19. The General Assembly, notwithstanding any thing contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to

the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Orphans' Court, or the Court of Chancery, in any matter, or giving any power to either of said courts. The General Assembly shall also have power to confer upon the Court of Oyer and Terminer, the Superior Court, the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers additional to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the Court of Errors and Appeals.

Section 20. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, beside the general powers of the Court of Chancery; and the Chief Justice and the Associate Judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

Section 21. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

Section 22. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

Section 23. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing upon such terms as they shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

Section 24. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the cost then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Section 25. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias, thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

Section 26. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all cost, or otherwise abide the decree in appeal or the judgment in error, if he fails to make his plea good.

Section 27. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant,

feme covert, non compus mentis, or a prisoner, and then within five years exclusive of the time of such disability.

Section 28. The Prothonotary of the Superior Court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.

Section 29. The General Assembly may by law give to any inferior courts by them established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say: assaults and batteries, keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house, retailing or selling without license, or on Sunday, or to minors, wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors contrary to law, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly, from time to time, may with the concurrence of two-thirds of all the members elected to each House prescribe. The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions; provided, however, that there shall be an appeal to the Court of General Sessions in all cases in which the sentence shall be imprisonment exceeding one month, or fine exceeding one hundred dollars. The matters within this section shall be and the same hereby are excepted and excluded from the provision of the Constitution that "No person shall for any indictable offence be proceeded against criminally by information," and also from the provisions of the Constitution concerning trial by jury.

Section 30. There shall be appointed, as herein after provided, such number of persons to the office of Justice of the Peace as shall be provided by law, who shall be commissioned for four years, if so long they shall behave themselves well.

Section 31. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law, if so long they shall behave themselves well; and if a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, such vacancy shall be filled by appointment by the Governor until the Senate shall next be in session.

Section 32. The Governor may for any reasonable cause, in his discretion, remove any judge or justice of the peace on the address of two-thirds of all the members elected to each House of the General Assembly. In all cases where the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive such notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

Section 33. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the State to compel the attendance of witnesses. Appeals may be made from a Register's Court to the Superior Court, whose decision shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

Section 34. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the very right of the matter and the law of the

land; which account so settled shall remain in his office for inspection; and the executor or administrator shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant, or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

Section 35. The style in all process and public acts shall be the THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

Motion to rise, report the adoption of the report, with amendments, and recommend its adoption by the Convention, prevailed.

Tuesday, March 23, 1897.
7.40 o'clock, p. m.

The Committee of the Whole met to consider the fourth report of the Committee on Elections,

Mr. Pratt in the chair.

The Committee of the Whole proceeded to consider the following report:

Fourth report of the Committee on Elections.

The Committee on Elections recommend that the following section be added to Article IV, as adopted in Committee of the Whole:

Section 6. The presiding election officer of each hundred or election district shall, on the day next after the general election, deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, containing the ballots, the other certificate of election and such other papers as shall by law be required to be placed therein, to the Prothonotary of the Superior Court of the county, who shall at 12 o'clock noon on the second day after the election present the same to the said court, which shall convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificate of election of any hundred or election district shall not be produced, or in case of complaint under oath of fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such cer-

tificate, the court shall have power to issue summary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a re-count of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the Boards of Canvass, and such other powers shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

For the purposes of this section the Superior Court shall consist in New Castle county of the Chief Justice and the resident Associate Judge; in Kent county of the Chancellor and the resident Associate Judge; and in Sussex county of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

W. C. SPRUANCE,
W. T. CAVENDER,
JOHN W. HERING,
J. A. ELLEGOOD,
W. A. CANNON,
E. W. COOPER,
EDWARD G. BRADFORD.

Mr. Spruance moved to adopt Section 6, as follows:

Section 6. The presiding election officer of each hundred or election district shall, on the day next after the general election, deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, containing the ballots, the other certificate of election and such other papers as shall by law be required to be placed therein, to the Prothonotary of the Superior Court of the county, who shall at 12 o'clock noon on the second day after the election present the same to the said court, which shall convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificate of election of any hundred or election district shall not be produced, or in case of complaint under oath of fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such certificate, the court shall have power to issue summary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a re-count of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the Boards of Canvass, and such other powers shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

For the purposes of this section the Superior Court shall consist in New Castle county of the Chief Justice and the resident Associate Judge; in Kent county of the Chancellor and the resident Associate Judge, and in Sussex county of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

Mr. Spruance moved to insert in line forty-one after the word 'law" the following:

"No act or determination of the court in the discharge of the duties imposed upon it by this section shall be conclusive in the trial of any contested election."

The motion Prevailed.

Mr. Spruance moved to adopt, as amended, Section 6, as follows:

Section 6. The presiding election officer of each hundred or election district shall, on the day next after the general election, deliver one of the certificates of the election, made and certified as required by law, together with the ballot boxes, containing the ballots, the other certificate of election and such other papers as shall by law be required to be placed therein, to the Prothonotary of the Superior Court of the county, who shall at 12 o'clock noon on the second day after the election present the same to the said court, which shall convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificate of election of any hundred or election district shall not be produced, or in case of complaint under oath of fraud or mistake in any such certificate, or in case

fraud or mistake is apparent on the face of any such certificate, the court shall have power to issue cummary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the Boards of Canvass, and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court, in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

No act or determination of the court in the discharge of the duties imposed upon it by this section shall be conclusive in the trial of any contested election.

For the purposes of this section the Superior Court shall consist in New Castle county of the Chief Justice and the resident Associate Judge; in Kent county of the Chancellor and the resident Associate Judge; and in Sussex county of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

The motion Prevailed.

Motion to rise and report the adoption of the fourth report of the Committee on Elections, with amendments, and recommend its adoption by the Convention, prevailed.

Same Day, 8.15 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Crimes, Punishments and Impeachments,

Mr. Evans in the chair.

The Committee of the Whole proceeded to consider the following report:

Report of Committee on Crimes, Punishments and Impeachments:

ARTICLE VI.

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators.

Section 2. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime and misdemeanor in office. Judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment according to law.

Section 3. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the Government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 4. If any officer whose office is established by this Constitution, or shall be established by law, shall become incapable of the proper discharge of the duties of his office by reason of protracted physical disability or incompetency, or from other sufficient cause less than cause of impeachment, such officer may be removed by the Governor, application to that effect being made to him by a concurrence of two-thirds of each branch of the General Assembly.

E. N. MOORE,
J. WILKINS COOCH,
W. T. SMITHERS,
LOWDER L. SAPP,
JAS. B. GILCHRIST,
A. L. JOHNSON.

Mr. Cooch moved to adopt Section 1, as follows:

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators.

Mr. Spruance moved to insert in line three after the word "members" the words "elected to that House,"

Which motion Prevailed.

Mr. Cooch moved to reconsider the above vote,

Which motion Prevailed.

By unanimous consent, Mr. Spruance withdrew his motion.

Mr. Spruance moved to add at the end of Section 1, the following:

"On the trial of an impeachment against the Governor or Lieutenant Governor the Chief Justice shall preside; and on the trial of all other impeachments the President of the Senate shall preside."

The motion Prevailed.

Mr. Cooch moved to adopt, as amended, Section 1, as follows:

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators. On the trial of an impeachment against the Governor or Lieutenant Governor the Chief Justice shall preside, and on the trial of all other impeachments the President of the Senate shall preside.

The motion Prevailed.

Mr. Cooch moved to adopt Section 2, as follows:

Section 2. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime and misdemeanor in office. Judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment according to law.

By general consent, the word "and" in the third line was stricken out and the word "or" inserted in lieu of it.

Section 2 was then adopted, as follows:

Section 2. The Governor and all other civil officers under this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

Mr. Cooch moved to adopt Section 3, as follows:

Section 3. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the Government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The motion Prevailed.

Mr. Cooch moved to adopt Section 4, as follows:

Section 4. If any officer whose office is established by this Constitution, or shall be established by law, shall become incapable of the proper discharge of the duties of his office by reason of protracted physical disability or incompetency, or from other sufficient cause less than cause of impeachment, such officer may be removed by the Governor, application to that effect being made to him by a concurrence of two-thirds of each branch of the General Assembly.

The motion Was Lost.

Motion to rise and report the adoption of the first three sections, with amendments, and recommend their adoption by the Convention, prevailed.

Thursday, March 25, 1897.
11.09 o'clock, a. m.

The Committee of the Whole met to consider Sections 31 and 32 and the renumbering the remaining sections of the second report of the Committee on the Judiciary, as amended and adopted in Committee of the Whole,

Mr. Moore in the chair.

Mr. Spruance moved to reconsider the vote by which Sections 31 and 32 were adopted,

Which motion Prevailed.

Mr. Spruance moved to strike out all after the word "well" in line eight, Section 31,

Which motion Prevailed.

Mr. Spruance moved to adopt, as amended, Section 31, as follows:

Section 31. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 29 of this Article shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law, if so long they shall behave themselves well.

The motion Prevailed.

Mr. Spruance moved that Section 32 be stricken from the report,

Which motion Prevailed.

Mr. Spruance moved that Section 33 be 32; Section 34 be 33; Section 35 be 34.

The motion Prevailed.

Motion to rise and report that Sections 31 and 32 have been under consideration, that Section 32 has been stricken out and that Section 31 has been amended and recommend its adoption by the Convention, and the renumbering of the remaining sections, prevailed.

Friday, March 26, 1897.
11.30 o'clock, a. m.

The Committee of the Whole met to consider the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

The Committee of the Whole proceeded to consider the following report:

Substitute the following in lieu of Article III.

ARTICLE III.

Section 1. The supreme executive powers of the State shall be vested in a Governor.

Sction 2. The Governor shall be chosen by the qualified electors of the State, once in every four years, at the general election.

Section 3. The returns of every election for Governor shall be sealed up, and immediately transmitted to the President of the Senate, or in case of the vacancy of the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be elected, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county. The person having the highest number of votes shall be Governor; but if two or more shall be equal in the highest number of votes, the members of the two Houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the President of the Senate shall have an additional casting vote.

Section 4. Contested elections of the Governor or Lieutenant Governor shall be determined by a joint committee, consisting of one-third of all the members of each branch of the General Assembly, to be selected by ballot of the Houses respectively; every person of the committee shall take an oath or affirmation that in determining the said election he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice shall preside upon the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon the request of the committee, pronounce his opinion upon other questions of law involved in the trial.

Section 5. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election; and shall not be eligible a third time to said office.

Section 6. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Section 7. The Governor shall be at least thirty years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the General Assembly after his election, and the last six years of that term an inhabitant of this State, unless he shall have been absent on public business of the United States or of this State.

Section 8. No member of Congress, nor person holding any office under the United States or this State, shall hold or exercise the office of Governor.

Section 9. The Governor shall, at stated times, receive for his services an adequate salary to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

Section 10. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into service of the United States.

Section 11. He shall have power, except in cases herein

otherwise provided, to appoint, by and with the consent of three-fifths of all the members elected to the Senate, such officers as he is or may be authorized by this Constitution or by law to appoint. He shall have power to fill all vacancies that may happen during the recess of the Senate, in all offices to which he may appoint, excepting vacancies in the office of Chancellor, Chief Justice and Associate Judges, by granting commissions which shall expire at the end of the next session of the Senate.

He shall have power to fill all vacancies that may happen in the elective offices by granting commissions which shall expire when their successors shall be duly elected and qualified.

In case of vacancy in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

No confirmation by the Senate shall be required in case of offices, the salary, fees and emoluments of which shall not exceed the sum of five hundred dollars.

Section 12. The Governor shall appoint, by and with the consent of three-fifths of all the members elected to the Senate, a Secretary of State, who shall hold office during the Governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either branch of the General Assembly, lay the same, and all papers, minutes and vouchers, relative thereto, before them, and shall perform such other duties as shall be enjoined upon him by law. He shall have a compensation for his services to be fixed by law.

Section 13. No person shall be elected or appointed to an office within a county who shall not have a right to vote for Representatives in the General Assembly, and have been a resident therein one year next before his election or appointment nor hold the office longer than he continues to reside in the county, except in cases herein otherwise provided.

No member of Congress, nor any person holding or ex-

ercising any office under the United States, shall at the time be a member of the General Assembly or hold or exercise any office of profit under this State.

No person shall hold more than one of the following offices at the same time, to-wit: Governor, Lieutenant Governor, Secretary of State, Attorney General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

Section 14. All commissions shall be in the name of the State, shall be sealed with the great seal, and be signed by the Governor.

Section 15. All officers shall hold their offices on condition that they behave themselves well while in office, and shall be removed by the Governor on conviction of misbehavior in office or of any infamous crime.

The Governor may for any reasonable cause remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each branch of the General Assembly. In all cases when the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

Section 16. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon nor reprieve for more than six months shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after a full hearing; and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof.

He shall set forth in writing, fully, the grounds of all reprieves, pardons and remissions, to be entered in the register

of his official acts, and laid before the General Assembly at their next session.

Section 17. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Section 18. He shall, from time to time, give to the General Assembly information of affairs concerning the State and recommend to their consideration such measures as he shall judge expedient.

Section 19. He may on extraordinary occasions convene the General Assembly; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

Section 20. He shall take care that the laws be faithfully executed.

Section 21. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law. But in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General

Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor; and before the same shall take effect be approved by him, or, being disapproved by him, shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

Section 22. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as the Governor; he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

The Lieutenant Governor while acting as President of the Senate, or as a member of the Board of Pardons, or as Governor during a temporary disability of the Governor, shall receive for his services the same compensation as the Speaker of the House of Representatives.

Section 23. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve upon the Lieutenant Governor; and in case of removal, death, failure to qualify, resignation, or inability of both the Governor and Lieutenant Governor, the Secretary of State, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Pres-

ident pro tempore of the Senate, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Speaker of the House of Representatives shall act as Governor until the disability of the Governor or Lieutenant Governor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions shall apply only to such persons as are eligible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Secretary of State or Attorney General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of Representatives, his seat as a member of the General Assembly shall become vacant; and any such vacancy shall be filled as provided by this Constitution.

Add the following Article:

ARTICLE ——.

Section 1. The Board of Pardons shall be composed of the Lieutenant Governor, Secretary of State and the Registers of Wills of the respective counties.

In case the Lieutenant Governor shall become Governor, and while he shall be in the exercise of the office of Governor as herein provided, he shall cease to be a member of said board.

Section 2. The said board may require information from the Attorney General upon any subject relating to the duties of said board.

Strike out Sections 3 and 4 of Article VII and insert in lieu thereof the following:

ARTICLE ——.

Section 1. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts

shall be two years. These officers shall be chosen by the qualified electors of the State at the general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

Section 2. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be two years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

No person shall be eligible a second time to the office of Sheriff.

Section 3. Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery, Clerks of the Orphans' Court and Sheriffs shall keep their offices in the town or place in each county in which the Superior Court is usually held.

EDWARD D. HEARNE,
W. A. CANNON,
E. W. COOPER,
W. T. SMITHERS,
A. L. JOHNSON,
W. C. SPRUANCE.

Mr. Hearne moved to adopt Section 1, as follows:

ARTICLE III.

Section 1. The supreme executive powers of the State shall be vested in a Governor.

The motion Prevailed.

Mr. Hearne moved to adopt Section 2, Article III, as follows:

Section 2. The Governor shall be chosen by the qualified electors of the State, once in every four years, at the general election.

The motion Prevailed.

Mr. Hearne moved to adopt Section 3, Article III, as follows:

Section 3. The returns of every election for Governor shall be sealed up, and immediately transmitted to the President of the Senate, or in case of the vacancy of the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be elected, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county. The person having the highest number of votes shall be Governor; but if two or more shall be equal in the highest number of votes, the members of the two Houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the President of the Senate shall have an additional casting vote.

The motion Prevailed.

Mr. Hearne moved to adopt Section 4, Article III, as follows:

Section 4. Contested elections of the Governor or Lieutenant Governor shall be determined by a joint committee, consisting of one-third of all the members of each branch of the General Assembly, to be selected by ballot of the Houses respectively; every person of the committee shall take an oath or affirmation that in determining the said election he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice shall preside upon the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon the request of the committee, pronounce his opinion upon other questions of law involved in the trial.

Mr. Saulsbury moved to insert in line twelve after the word "decide" the words "subject to appeal to the committee."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Cooch, Cooper, Donahoe, Ellegood, Gilchrist, Horsey, Johnson, Martin, Pratt, Sapp, Saulsbury,

Nays—Messrs. Bradford, Burris, Cannon, Carlisle, Cavender, Clark, Hearne, Hering, Moore, Murray, Smithers, Spruance, Wright.

Yeas, 12; nays, 13.

So the question was decided in the negative, and the motion was lost.

Mr. Bradford moved to strike out the word "of" at the end of line three and insert in lieu thereof the words "elected to" and strike out the word "branch" in line four and insert in lieu thereof the word "House."

The motion Prevailed.

Recurring to the motion to adopt Section 4, Article III, as amended, as follows:

Section 4. Contested elections of the Governor or Lieutenant Governor shall be determined by a joint committee consisting of one-third of all the members elected to each House of the General Assembly, to be selected by ballot of the Houses respectively; every person of the committee shall take an oath or affirmation that in determining the said election he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice shall preside upon the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial.

The motion Prevailed.

Mr. Hearne moved to adopt Section 5, Article III, as follows:

Section 5. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election; and shall not be eligible a third time to said office.

Mr. Saulsbury moved to strike out the word "eligible" in line three and insert in lieu thereof the word "elected,"

Which motion Prevailed.

Recurring to the motion to adopt Section 5, Article III, as amended, as follows:

Section 5. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election; and shall not be elected a third time to said office.

The motion Prevailed.

Mr. Hearne moved to adopt Section 6, Article III, as follows:

Section 6. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Mr. Hearne moved that further consideration of Section 6 be postponed,

Which motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.05 o'clock, p. m.

The Committee of the Whole met for further consideration of the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

Mr. Spruance moved to adopt Section 7, Article III, as follows:

Section 7. The Governor shall be at least thirty years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the General Assembly after his election, and the last six years of that term an inhabitant of this State, unless he shall have been absent on public business of the United States or of this State.

The motion Prevailed.

Mr. Hearne moved to adopt Section 8, Article III, as follows:

Section 8. No member of Congress, nor person holding any officer under the United States or this State, shall hold or exercise the office of Governor.

The motion Prevailed.

Mr. Hearne moved to adopt Section 9, Article III, as follows:

Section 9. The Governor shall, at stated times, receive for his services an adequate salary to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

The motion Prevailed.

Mr. Hearne moved to adopt Section 10, Article III, as follows:

Section 10. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into service of the United States.

The motion Prevailed.

Mr. Hearne moved to adopt Section 11, Article III, as follows:

Section 11. He shall have power, except in cases herein otherwise provided, to appoint, by and with the consent of three-fifths of all the members elected to the Senate, such officers as he is or may be authorized by this Constitution or by law to appoint. He shall have power to fill all vacancies that may happen during the recess of the Senate, in all offices to which he may appoint, excepting vacancies in the office of Chancellor, Chief Justice and Associate Judges, by granting commissions which shall expire at the end of the next session of the Senate.

He shall have power to fill all vacancies that may happen in the elective offices by granting commissions which shall expire when their successors shall be duly elected and qualified.

In case of vacancy in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

No confirmation by the Senate shall be required in case of offices, the salary, fees and emoluments of which shall not exceed the sum of five hundred dollars.

The motion Was Withdrawn.

Mr. Hearne moved to adopt lines one to eleven inclusive, Section 11, Article III.

Mr. Bradford moved to strike out the words "three-fifths" in line three and insert in lieu thereof the words "a majority,"

Which motion Prevailed.

Recurring to the motion to adopt, as amended, as follows, lines one to eleven, inclusive:

Section 11. He shall have power, except in cases herein otherwise provided, to appoint, by and with the consent of a majority of all the members elected to the Senate, such officers as he is or may be authorized by this Constitution or by law to appoint. He shall have power to fill all vacancies that may happen during the recess of the Senate, in all offices to which he may appoint, excepting vacancies in the offices of Chancellor, Chief Justice and Associate Judges, by granting commissions which shall expire at the end of the next session of the Senate.

The motion Prevailed.

Mr. Hearne moved to adopt lines twelve to fifteen inclusive.

Mr. Saulsbury moved to insert after the word "offices" in line thirteen the following, "except the office of Lieutenant Governor and members of the General Assembly."

The motion Prevailed.

Recurring to the motion to adopt lines twelve to fifteen inclusive, Section 11, Article III, as amended, as follows:

He shall have power to fill all vacancies that may happen in all elective offices, except in the offices of the Lieutenant Governor and members of the General Assembly, by granting commissions which shall expire when their successors shall be duly elected and qualified.

The motion Prevailed.

Mr. Hearne moved to adopt lines sixteen, seventeen, eighteen, nineteen and twenty, Section 11, Article III.

Mr. Bradford moved to insert in line sixteen after the word "office" the following, "except as aforesaid."

The motion Prevailed.

Mr. Spruance moved to insert in line seventeen after the word "office" the words "for the residue of the term."

Mr. Saulsbury moved to amend Mr. Spruance's motion by striking out the words "residue of the term" and inserting in lieu thereof the words "full term,"

Which motion Prevailed.

Recurring to Mr. Spruance's motion, as amended, as follows, "for the full term,"

The motion Prevailed.

Mr. Cooper moved to reconsider the vote by which the amendment to line thirteen was adopted,

Which motion Was Lost.

Recurring to the motion to adopt lines sixteen to twenty inclusive, as follows, as amended.

In case of vacancy in an elective office, except as aforesaid, a person shall be chosen to said office for the full term at the next general election, unless the vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

The motion Prevailed.

By unanimous consent, the words "members" in line thirteen was made "member."

Mr. Ellegood moved to strike out lines twenty-one, twenty two and twenty-three inclusive.

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Monday, March 29, 1897.
2.08 o'clock, p. m.

The Committee of the Whole met to consider the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

Mr. Ellegood withdrew his motion of March 26 inst., to strike out lines twenty-one twenty-two and twenty-three, Section 11.

Mr. Spruance moved that further consideration of lines twenty-one, twenty-two and twenty-three, Section 11, be postponed,

Which motion Prevailed.

Mr. Spruance moved to adopt Section 12, as follows:

Section 12. The Governor shall appoint, by and with the consent of three-fifths of all the members elected to the Senate, a Secretary of State, who shall hold office during the Governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either branch of the General Assembly, lay the same, and all papers, minutes and vouchers, relative thereto, before them, and shall perform such other duties as shall be enjoined upon him by law. He shall have a compensation for his services to be fixed by law.

Mr. Saulsbury moved to strike out of line two the words "three-fifths" and insert in lieu thereof the words "a majority."

Mr. Cooch moved to amend Mr. Saulsbury's motion by striking out lines one and two and to the words "a Secretary" in line three,

Which motion Was Lost.

Recurring to Mr. Saulsbury's motion, it was lost.

Recurring to the motion to adopt Section 12, as follows:

Section 12. The Governor shall appoint, by and with the consent of three-fifths of all the members elected to the Senate, a Secretary of State, who shall hold office during the Governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either branch of the General Assembly, lay the same, and all papers, minutes and vouchers, relative thereto, before them, and shall perform such other duties as shall be enjoined upon him by law. He shall have a compensation for his services to be fixed by law.

The motion Prevailed.

Mr. Spruance moved to adopt lines one to seven inclusive, Section 13, as follows:

Section 13. No person shall be elected or appointed to an office within a county who shall not have a right to vote for Representatives in the General Assembly, and have been a resident therein one year next before his election or appointment, nor hold the office longer than he continues to reside in the county, except in cases herein otherwise provided.

The motion Prevailed.

Mr. Spruance moved to adopt lines eight, nine, ten and eleven, Section 13, as follows:

No member of Congress, nor any person holding or exercising any office under the United States, shall at the time be a member of the General Assembly or hold or exercise any office of profit under this State.

Mr. Saulsbury moved to strike out of lines ten and eleven the words "be a member of the General Assembly or,"

Which motion Prevailed.

Mr. Spruance moved to insert at the end of line eleven, the following, "except in cases herein otherwise provided,"

Which motion Prevailed.

On the motion to adopt, as amended, lines eight, nine, ten and eleven, as follows:

No member of Congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise any office of profit under this State, except in cases herein otherwise provided.

The motion Prevailed.

Mr. Spruance moved to adopt lines twelve, thirteen, fourteen, fifteen, sixteen and seventeen, Section 13, as follows:

No person shall hold more than one of the following offices at the same time, to-wit: Governor, Lieutenant Governor, Secretary of State, Attorney General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

Mr. Saulsbury moved to strike out of lines thirteen and fourteen the words "Governor, Lieutenant Governor,"

Which motion Prevailed.

On the motion to adopt, as amended, lines twelve to seventeen, as follows:

No person shall hold more than one of the following offices at the same time, to-wit: Secretary of State, Attorney General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

The motion Prevailed.

On the motion to adopt, as amended, Section 13, as follows:

Section 13. No person shall be elected or appointed to an office within a county who shall not have a right to vote for Representatives in the General Assembly, and have been a resident therein one year next before his election or appointment, nor hold the office longer than he continues to reside in the county, except in cases herein otherwise provided.

No member of Congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise any office of profit under this State, except in cases herein otherwise provided.

No person shall hold more than one of the following offices at the same time, to wit: Secretary of State, Attorney-General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

The motion Prevailed.

Mr. Spruance moved to adopt Section 14, as follows:

Section 14. All commissions shall be in the name of the State, shall be sealed with the great seal, and be signed by the Governor.

The motion Prevailed.

Mr. Spruance moved to adopt lines one, two, three and four, Section 15, as follows:

Section 15. All officers shall hold their offices on condition that they behave themselves well while in office, and shall be removed by the Governor on conviction of misbehavior in office or of any infamous crime.

The motion Prevailed.

Mr. Spruance moved to adopt lines five to sixteen, Section 15, as follows:

The Governor may for any reasonable cause remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each branch of the General Assembly. In all cases when the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

Mr. Saulsbury moved to strike out of line fifteen the word "ten" and insert in lieu thereof the word "five,"

Which motion Was Withdrawn.

On the motion to adopt lines five to sixteen inclusive, as follows:

The Governor may for any reasonable cause remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each branch of the General Assembly. In all cases when the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

The motion Prevailed.

Mr. Spruance moved to adopt Section 16, as follows:

Section 16. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon nor reprieve for more than six months shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after a full hearing; and such recommendation, with the reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof.

He shall set forth in writing, fully, the grounds of all reprieves, pardons and remissions, to be entered in the register of his official acts, and laid before the General Assembly at their next session.

The motion Prevailed.

Mr. Spruance moved to adopt Section 17, as follows:

Section 17. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

The motion Prevailed.

Mr. Spruance moved to adopt, as follows, Section 18:

Section 18. He shall, from time to time, give to the General Assembly information of affairs concerning the State and recommend to their consideration such measures as he shall judge expedient.

The motion Prevailed.

Mr. Hearne moved to adopt Section 19, as follows:

Section 19. He may on extraordinary occasions convene the General Assembly; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

Mr. Spruance moved to insert in line two, between the words "Assembly" and "and" the words "by proclamation,"

Which motion Prevailed.

On the motion to adopt, as amended, Section 19, as follows:

Section 19. He may on extraordinary occasions convene the General Assembly by proclamation; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

The motion Prevailed.

Mr. Hearne moved to adopt, as follows, Section 20:

Section 20. He shall take care that the laws be faithfully executed.

The motion Prevailed.

Mr. Hearne moved to adopt, as follows, Section 21:

Section 21. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law. But in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor; and before the same shall take effect be approved by him, or, being disapproved by him, shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

The motion Prevailed.

Mr. Hearne moved to adopt Section 22, as follows:

Section 22. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as the Governor; he shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

The Lieutenant Governor while acting as President of the Senate, or as a member of the Board of Pardons, or as Governor during a temporary disability of the Governor, shall receive for his services the same compensation as the Speaker of the House of Representatives.

The motion Prevailed.

Mr. Hearne moved to adopt Section 23, as follows:

Section 23. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve upon the Lieutenant Governor; and in case of removal, death, failure to qualify, resignation, or inability of both the Governor and Lieutenant Governor, the Secretary of State, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the President pro tempore of the Senate, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Speaker of the House of Representatives shall act as Governor until the disability of the Governor or Lieutenant Governor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions shall apply only to such persons as are eligible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Secretary of State or Attorney General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of

Representatives, his seat as a member of the General Assembly shall become vacant; and any such vacancy shall be filled as provided by this Constitution.

Mr. Saulsbury moved to strike out of line two the words "failure to qualify,"

Which motion Was Lost.

Motion to rise, report progress and ask leave to sit again, prevailed.

Tuesday, March 30, 1897.
11.14 o'clock, a. m.

The Committee of the Whole met to further consider the third report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

Recurring to the motion to adopt Section 23.

Mr. Spruance moved to insert in line twenty-four, between the words "the" and "Secretary of State" the words "Lieutenant Governor,"

Which motion Prevailed.

Mr. Spruance moved to add at the end of line thirty-one the following: "Provided, however, that such vacancy shall not be created in case either of the said persons shall be acting as Governor during the temporary disability of the Governor."

The motion Prevailed.

On the question to adopt, as amended, Section 23, as follows:

Section 23. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant Governor; and in case of removal, death, failure to qualify, resignation, or inability of both the Governor and Lieutenant Governor, the Secretary of State, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the President pro tempore of the Senate, or if there be none, or in case of his removal, death, failure to qualify, resignation, or inability, then the Speaker of the House of Representatives shall act as Governor until the disability of the Governor or Lieutenant Gov-

ernor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions shall apply only to such persons as are eligible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, Secretary of State or Attorney-General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of Representatives, his seat as a member of the General Assembly shall become vacant; and any such vacancy shall be filled as provided by this Constitution: provided, however, that such vacancy shall not be created in case either of the said persons shall be acting as Governor during the temporary disability of the Governor.

The motion Prevailed.

Mr. Spruance moved to adopt, as follows, Section 6:

Section 6. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

The motion Prevailed.

Mr. Spruance moved to adopt lines twenty-one, twenty-two and twenty-three, Section 11, as follows:

No confirmation by the Senate shall be required in case of offices, the salary, fees and emoluments of which shall not exceed the sum of five hundred dollars.

Mr. Spruance moved to insert at the end of line twenty-three, after the word "dollars," the following: "except in cases herein otherwise provided."

The motion Prevailed.

On the motion to adopt, as amended, lines twenty-one, twenty-two and twenty-three, Section 11, as follows:

No confirmation by the Senate shall be required in case of offices, the salary, fees and emoluments of which shall not exceed the sum of five hundred dollars, except in cases herein otherwise provided.

The motion Prevailed.

Mr. Spruance moved to adopt Sections 1 and 2, Article —, as follows:

ARTICLE ——.

Section 1. The Board of Pardons shall be composed of the Lieutenant Governor, Secretary of State and the Registers of Wills of the respective counties.

In case the Lieutenant Governor shall become Governor, and while he shall be in the exercise of the office of Governor as herein provided, he shall cease to be a member of said board.

Section 2. The said board may require information from the Attorney General upon any subject relating to the duties of said board.

Mr. Cooch moved to strike out of lines one and two, Section 1, the following: "and the Registers of Wills of the respective counties" and insert in lieu thereof the following: "Insurance Commissioner, State Treasurer and Auditor of Accounts."

Mr. Saulsbury moved to amend Mr. Cooch's motion by striking out "Insurance Commissioner" and inserting the word "Chancellor."

Accepted by Mr. Cooch.

Mr. Pratt moved as a substitute for Mr. Cooch's motion the following: Strike out lines two and three, Section 1, Article — and insert in lieu thereof, "of the Chancellor, Secretary of State, Insurance Commissioner, State Treasurer and Auditor of Accounts."

Withdrawn.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.41 o'clock, p. m.

The Committee of the Whole met to further consider the third report and so much of the first report of the Committee on the Governor and Other Executive Officers as relates to the Board of Pardons,

Mr. Martin in the chair.

Mr. Spruance moved to reconsider the vote by which paragraphs 1 and 2, Section 1, of the first report were adopted,

Which motion Prevailed.

Mr. Cooch moved to strike out of lines one and two, Section 1, Article —, paragraph 15, of this report, the following: "and the Registers of Wills of the respective counties" and insert in lieu thereof the following: "Chancellor, State Treasurer and Auditor of Accounts."

Mr. Martin moved to insert in line two, between the words "the" and "Lieutenant" the words 'Chancellor, the resident Associate Judge of the county where the verdict was rendered;" strike out of lines two and three the words "and the Registers of Wills of the respective counties" and insert in lieu thereof the following, "and the Speaker of the House of Representatives."

The motion Was Lost.

Recurring to Mr. Cooch's motion, it prevailed.

By unanimous consent the word "Chancellor" in Mr. Cooch's motion was placed before the words "Lieutenant Governor."

Mr. Spruance moved to strike out lines four, five, six and seven inclusive,

Which motion Prevailed.

Recurring to the motion to adopt, as amended, Sections 1 and 2, as follows:

ARTICLE ——.

Section 1. The Board of Pardons shall be composed of the Chancellor, Lieutenant Governor, Secretary of State, State Treasurer and Auditor of Accounts.

Section 2. The said board may require information from the Attorney General upon any subject relating to the duties of said board.

The motion Prevailed.

Mr. Spruance moved the adoption of that part of the report reading as follows:

Strike out Sections 3 and 4 of Article VII and insert in lieu thereof the following:

The motion Prevailed.

Mr. Spruance moved to adopt Section 1, as follows:

Section 1. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts shall be two years. These officers shall be chosen by the qualified electors of the State at the general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

Mr. Saulsbury moved to amend Section 1, as follows:

Strike out the words "these officers" in line four and insert in lieu thereof the following:

"The Attorney-General shall be appointed by the Governor, by and with the consent of three-fifths of all the members elected to the Senate; and the Insurance Commissioner, State Treasurer and Auditor of Accounts."

The motion Was Lost.

Mr. Pratt moved to strike out in line four the word "two" and insert the word "four."

The motion Was Lost.

Mr. Cavender moved to strike the letter "s" in the word "terms" in line one, the words "and" and "shall be four years" in line two, and the words "and the terms of office of the" in line three.

The motion Was Lost.

Recurring to the motion to adopt Section 1, as follows:

Section 1. The terms of office of the Attorney General and Insurance Commissioner shall be four years; and the terms of office of the State Treasurer and Auditor of Accounts shall be two years. These officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

The motion Prevailed.

Mr. Spruance moved to adopt Section 2, as follows:

Section 2. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be two years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

No person shall be eligible a second time to the office of Sheriff.

Mr. Cooper moved to strike out the remainder of this Section after the word "be" in line ten, and insert in lieu thereof the following: "twice elected Sheriff in any term of four years."

The motion Prevailed.

Recurring to the motion to adopt, as amended, Section 2, as follows:

Section 2. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in

Chancery and Clerks of the Orphans' Court shall be four years; and the terms of office of Sheriffs and Coroners shall be two years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned by the Governor, and shall hold their respective offices until their successors shall be duly qualified.

No person shall be twice elected Sheriff in any term of four years.

The motion Prevailed.

Mr. Spruance moved to adopt Section 3, as follows:

Section 3. Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery, Clerks of the Orphans' Court and Sheriffs shall keep their offices in the town or place in each county in which the Superior Court is usually held.

The motion Prevailed.

Motion to rise, report the adoption of the third report of the Committee on the Governor and Other Executive Officers, with sundry amendments, and recommend its adoption by the Convention, prevailed.

Wednesday, March 31, 1897.
10.51 o'clock, a. m.

The Committee of the Whole met to consider the third report of the Committee on the Legislature,

Mr. Dasey in the chair.

The Committee of the Whole proceeded to consider the following report:

The Senate shall be composed of seventeen members, and the Senators shall be chosen for four years.

The House of Representatives shall be composed of thirty-five members, who shall be chosen for two years.

The State is hereby divided into seventeen Senatorial districts, from each of which shall be chosen one Senator. The Senatorial districts shall be numbered from one to seventeen inclusive. The State is also hereby divided into thirty-five Representative districts, from each of which shall be chosen one Representative. The Representative districts shall be numbered from one to thirty-five inclusive. The Senatorial districts are as follows:

* * * * * * *

The Representative districts are as follows:

* * * * * * *

CHARLES F. RICHARDS,
J WILKINS COOCH,
G. H. MURRAY,
WILLIAM SAULSBURY,
EDWARD G. BRADFORD,
WOODBURN MARTIN,

Mr. Saulsbury moved to adopt lines one and two, as follows:

The Senate shall be composed of seventeen members, and the Senators shall be chosen for four years.

Mr. Hering moved to strike out the word "seventeen" in line one and insert in lieu thereof the word "fifteen."

Mr. Donahoe moved to amend Mr. Hering's motion by striking out the word "fifteen" and inserting in lieu thereof the word "eighteen."

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.01 o'clock, p. m.

The Committee of the Whole met to further consider the third report of the Committee on the Legislature,

Mr. Dasey in the chair.

By unanimous consent, Mr. Donahoe withdrew his motion of this morning.

Motion to rise, report progress and ask leave to sit again, was lost.

Mr. Horsey moved to strike out of Mr. Hering's motion of this morning the word "fifteen" and insert in lieu thereof the word "twelve."

On a motion to rise, report progress and ask leave to sit again,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Cavender, Clark, Cooper, Donahoe, Ellegood, Horsey, Hering, Martin.

Nays—Messrs. Bradford, Burris, Dasey, Evans, Gilchrist, Johnson, Moore, Pratt, Saulsbury, Smithers, Wright.

Yeas, 9; nays, 11.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Horsey's motion,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Dasey, Saulsbury.

Nays—Messrs. Bradford, Burris, Clark, Donahoe, Evans, Gilchrist, Johnson, Moore, Pratt, Smithers, Wright.

Present and not voting—Messrs. Cannon, Ellegood, Horsey, Hering.

Yeas, 2; nays, 11; present and not voting, 4.

So the question was decided in the negative, and the motion was lost.

Motion to rise, report progress and ask leave to sit again, was lost.

Recurring to Mr. Hering's motion of this morning,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Ellegood, Hering, Martin.

Nays—Messrs. Bradford, Burris, Clark, Dasey, Donahoe, Evans, Gilchrist, Johnson, Moore, Pratt, Saulsbury, Smithers, Wright.

Yeas, 4; nays, 13.

So the question was decided in the negative, and the motion was lost.

Recurring to Mr. Saulsbury's motion of this morning to adopt lines one and two,

Mr. Hering moved to strike out of line one the word "seventeen" and insert in lieu thereof the word "thirteen."

No action taken hereon.

Motion to rise, report progress and ask leave to sit again, prevailed.

Thursday, April 1, 1897.
10.40 o'clock, a. m.

The Committee of the Whole met to consider the third report of the Committee on the Legislature,

Mr. Dasey in the chair.

By unanimous consent, Mr. Hering withdrew his motion of yesterday afternoon.

Recurring to Mr. Saulsbury's motion of yesterday morning to adopt lines one and two, as follows:

The Senate shall be composed of seventeen members, and the Senators shall be chosen for four years,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Gilchrist, Johnson, Moore, Murray, Pratt, Saulsbury, Smithers, Wright.

Nays—Messrs. Cavender, Hering, Horsey, Martin, Sapp.

Yeas, 18; nays, 5.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Saulsbury moved to adopt lines three and four, as follows:

The House of Representatives shall be composed of thirty five members, who shall be chosen for two years.

Mr. Hering moved to strike out of line four the words "thirty-five" and insert in lieu thereof the words "thirty-three,"

Which motion Was Lost.

Recurring to the motion to adopt lines three and four, as follows:

The House of Representatives shall be composed of thirty five members, who shall be chosen for two years.

The motion Prevailed.

Mr. Saulsbury moved to adopt lines five to fourteen inclusive, as follows:

The State is hereby divided into seventeen Senatorial districts, from each of which shall be chosen one Senator. The Senatorial districts shall be numbered from one to seventeen inclusive. The State is also hereby divided into thirty-five Representative districts, from each of which shall be chosen one Representative. The Representative districts shall be numbered from one to thirty-five inclusive. The Senatorial districts are as follows:

* * * * * * * *

The Representative districts are as rollows:

* * * * * * * *

Mr. Martin moved to strike out of lines five and six the words, "The State is hereby divided into seventeen Senatorial districts."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Clark, Martin, Pratt.

Nays—Messrs. Biggs, Bradford, Burris, Cavender, Cooch, Cooper, Dasey, Ellegood, Evans, Gilchrist, Hering, Horsey, Johnson, Moore, Murray, Sapp, Saulsbury, Smithers, Wright.

Yeas, 3; nays, 19.

So the question was decided in the negative, and the motion was lost.

Recurring to the motion to adopt lines five to fourteen inclusive, as follows:

The State is hereby divided into seventeen Senatorial dis-

tricts, from each of which shall be chosen one Senator. The Senatorial districts shall be numbered from one to seventeen inclusive. The State is also hereby divided into thirty-five Representative districts, from each of which shall be chosen one Representative. The Representative districts shall be numbered from one to thirty-five inclusive. The Senatorial districts are as follows:

* * * * * * * * *

The Representative districts are as follows:

* * * * * * * * *

The motion Prevailed.

Motion to rise and report the conclusion and approval, without amendment, of the third report of the Committee on the Legislature and recommend that it be recommitted to the Committee on the Legislature for the purpose of filling the blanks, prevailed.

Same Day, 2.45 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

The Committee of the Whole proceeded to consider the following report:

Second report of the Committee on Corporations.

Section 1. No corporation shall be created or revived by special act, but only by or under general law, nor shall any existing corporate charter be extended, renewed, altered or amended by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations or corporations for charitable, penal, reformatory, or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the

revocation or forfeiture of the charters of all corporations for the abuse, misuse or non-user, of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney-General, as may be provided by law.

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter altered or amended without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

Section 3. All existing corporations, and all corporations hereafter created under general law, under which a bona-fide organization shall not have taken place and business commenced in good faith within two years after the granting the same, shall thereafter be void and of no effect.

Section 4. No corporation shall issue stocks or bonds, except for money paid, labor done or personal property in actual possession, or the fee simple title to real estate actually acquired by such corporation, and neither labor nor property shall be received in payment of stock or bond at a greater price than the market value at the time the said labor was done or property delivered, or title acquired.

Section 5. No corporation created under general law shall commence business until ten per centum of its whole capital shall have been paid into its treasury in cash; nor shall the stock or bonded indebtedness of corporations be increased, except pursuant to general law, nor without the consent of the holders of a majority of the stock outstanding first obtained at a meeting called for the purpose, public notice thereof having been first given, as may be provided by law.

Section 6. In all elections for directors or managers of stock corporations each shareholder may cast the whole number of votes to which he is entitled for one candidate or distribute them among two or more candidates.

Section 7. When the whole capital stock of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum nec-

essary to complete the amount of such share as fixed by the charter of the company or its certificate of incorporation or such proportion of that sum as shall be required to satisfy the debts of the company.

Section 8. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom service of legal process may be served.

Mr. Pratt moved to adopt Section 1, as follows:

Section 1. No corporation shall be created or revived by special act, but only by or under general law, nor shall any existing corporate charter be extended, renewed, altered or amended by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations or corporations for charitable, penal, reformatory, or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the revocation or forfeiture of the charters of all corporations for the abuse, misuse or non-user, of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney General, as may be provided by law.

Mr. Bradford moved to amend lines one, two, three, four and five, to and including the word "law," as follows:

Section 1. No corporation shall be hereafter created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law.

The motion Prevailed.

On the motion to adopt, as amended, Section 1, as follows:

Section 1. No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or undr general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law; but the foregoing provisions shall not apply

to municipal corporations or corporations for charitable, penal, reformatory, or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the revocation or forfeiture of the charters of all corporations for the abuse, misuse, or non-user, of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney General, as may be provided by law.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cavender, Clark, Cooch, Cooper, Dasey, Ellegood, Gilchrist, Hering, Horsey, Moore, Murray, Pratt, Sapp, Smithers, Wright.

Nay—Mr. Saulsbury.

Yeas, 18; nay, 1.

So the question was decided in the affirmative, and the section was adopted.

Mr. Pratt moved to adopt Section 2, as follows:

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter altered or amended without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

By unanimous consent the word "altered" in line two was stricken out and the word "amended" inserted in lieu thereof; in line three the word "amended" was stricken out and the word "renewed" inserted in lieu thereof.

Recurring to Mr. Pratt's motion to adopt Section 2, as follows:

Section 2. No corporation in existence at the adoption of this Constitution shall have its charter amended or renewed without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

The motion Prevailed.

Mr. Pratt moved to adopt Section 3, as follows:

Section 3. All existing corporations, and all corporations hereafter created under general law, under which a bona-fide organization shall not have taken place and business commenced in good faith within two years after the granting the same, shall thereafter be void and of no effect.

Mr. Saulsbury moved to strike out of line four the words "two years" and insert in lieu thereof the following: "a reasonable time to be provided by law."

The motion Was Lost.

Recurring to Mr. Pratt's motion to adopt Section 3, it was lost.

Mr. Pratt moved to adopt Section 4, as follows:

Section 4. No corporation shall issue stocks or bonds, except for money paid, labor done or personal property in actual possession, or the fee simple title to real estate actually acquired by such corporation, and neither labor nor property shall be received in payment of stock or bond at a greater price than the market value at the time the said labor was done or property delivered, or title acquired.

Motion to rise, report progress and ask leave to sit again, prevailed.

Friday, April 2, 1897.
10.40 o'clock, a. m.

The Committee of the Whole met to consider further the second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

Recurring to the motion to adopt Section 4,

Mr. Pratt moved to strike out of lines three and four the words, "in actual possession, or fee simple title to real estate," and insert in lieu thereof the words, "or real estate or leases thereof," and in line six strike out the word "market" and insert in lieu thereof the word "actual."

The motion Prevailed.

Mr. Bradford moved to strike out of lines one and two the words, "stocks or bonds" and insert in lieu thereof the word "stock"; in line six strike out the words "or bond."

The motion Prevailed.

On the motion to adopt, as amended, Section 4, as follows:

Section 4. No corporation shall issue stock except for money paid, labor done or personal property or real estate or leases thereof actually acquired by such corporation, and neither labor nor property shall be received in payment of stock at a greater price than the actual value at the time the said labor was done or property delivered, or title acquired.

The motion Prevailed.

Mr. Pratt moved to adopt Section 5, as follows:

Section 5. No corporation created under general law shall commence business until ten per centum of its whole capital shall have been paid into its treasury in cash; nor shall the stock or bonded indebtedness of corporations be increased,

except pursuant to general law, nor without the consent of the holders of a majority of the stock outstanding first obtained at a meeting called for the purpose, public notice thereof having been first given, as may be provided by law.

Mr. Saulsbury moved to insert in line one between the words "no" and "corporation" the word "stock,"

Which motion Was Withdrawn.

Recurring to Mr. Pratt's motion to adopt Section 5, it was lost.

Mr. Pratt moved to adopt Section 6, as follows:

Section 6. In all elections for directors or managers of stock corporations each shareholder may cast the whole number of votes to which he is entitled for one candidate or distribute them among two or more candidates.

The motion Prevailed.

Mr. Pratt moved to adopt Section 7, as follows:

Section 7. When the whole capital stock of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share as fixed by the charter of the company or its certificate of incorporation or such proportion of that sum as shall be required to satisfy the debts of the company.

Mr. Pratt moved as a substitute for Section 7, the following:

Section 7. Dues from corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by General Assembly.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.14 o'clock, p. m.

The Committee of the Whole met to further consider second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

Recurring to the motion to adopt the substitute for Section 7, it was lost.

Recurring to the motion to adopt Section 7, it was lost.

Mr. Pratt moved to adopt Section 8, as follows:

Section 8. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom service of legal process may be served.

Mr. Pratt moved to strike out of lines two and three the words "one or more known places of business,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Bradford, Burris, Cavender, Clark, Cooch, Cooper, Dasey, Gilchrist, Hearne, Horsey, Moore, Orr, Pratt, Sapp, Saulsbury, Smithers, Wright.

Present and not voting—Messrs. Donahoe, Hering and Martin.

Yeas, 18; nays, 0; present and not voting, 3.

So the question was decided in the affirmative, and the motion prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Monday, April 5, 1897.
2.02 o'clock, p. m.

The Committee of the Whole met to consider further the second report of the Committee on Corporations,

Mr. Gilchrist in the chair.

Recurring to the motion of Friday, the 2d inst., to adopt Section 8,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooch, Donahoe, Ellegood, Gilchrist, Martin, Pratt, Sapp, Wright.

Nays—Messrs. Bradford, Burris, Cavender, Evans, Hearne, Moore, Murray, Saulsbury, Smithers, Spruance.

Present and not voting—Mr. Clark.

Yeas, 8; nays, 10; present and not voting, 1.
So the question was decided in the negative, and the proposed section was rejected.

Mr. Cooch moved that so much of this report as had been adopted be recommended to the Convention as a substitute for Article II, Section 17, of the present Constitution,

Which motion Was Withdrawn.

Mr. Bradford moved to add at the end of Section 1, the following:

"No general incorporation law nor any special act of incorporation shall be enacted without the concurrence of two-thirds of all the members elected to each House of the General Assembly."

The motion Was Withdrawn.

Mr. Cavender asked unanimous consent that the vote by which Section 1 was adopted be reconsidered,

Consent granted unanimously.

Mr. Bradford renewed his motion to amend Section 1.

The motion Prevailed.

Mr. Saulsbury moved to add at the end of Section 1, the following: "and no act of incorporation which may hereafter be enacted and no incorporation created under the provisions of a general incorporation law, shall continue in force for a longer period than twenty years, without re-enactment or renewal, unless it be an incorporation for public improvement."

The motion Was Withdrawn.

Motion to adopt Section 1, as amended, as follows:

Section 1. No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations or corporations for charitable, penal, reformatory or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the revocation or forfeiture of the charters of all corporations for the abuse, misuse, or non-user, of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture shall be taken by the Attorney General, as may be provided by law.

No general incorporation law nor any special act of incorporation shall be enacted without the concurrence of two-thirds of all the members elected to each House of the General Assembly.

The motion Prevailed.

Mr. Cooch renewed his motion, and the motion prevailed.

Mr. Pratt moved that Section 4 be Section 3 and that Section 6 be Section 4.

The motion Prevailed.

Motion to rise, report favorably Sections 1, 2, 3 and 4, and recommend their adoption by the Convention, prevailed.

Wednesday, April 7, 1897.
2.51 o'clock, p. m.

The Committee of the Whole met to consider Section 8 of the second report of the Committee on Revenue and Taxation,

Mr. Gilchrist in the chair.

Section 8 as reported by the committee was sent back to the committee. The following section is in lieu of the section returned to them:

Section 8. No county, city, town or other municipality shall loan its credit or appropriate money to, or assume the debt or become a shareholder or joint owner in or with, any private corporation, or any person or company whatever. No county, city, town or other municipality shall be allowed to become indebted, for any purpose or in any manner, to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county, city, town or other municipality subject to taxation as it appeared by the assessment rolls of said county, city, town or other municipality on the last assessment for county, city, town or other municipality taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county, city, town or other municipality whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issue of bonds to provide for a supply of water or light, or both; but the term of the bonds issued to provide the supply of water or light shall not exceed thirty (30) years, and shall not be issued except upon the affirmative vote of a majority of the freeholders of said city, town or other municipality, as shall be pro-

vided by the General Assembly, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity.

Mr. Pratt moved to adopt lines one, two, three, four and to and including the word "whatever" in line five, as follows:

Section 8. No county, city, town or other municipality shall loan its credit or appropriate money to, or assume the debt of or become a shareholder or joint owner in or with any private corporation, or any person or company whatever.

The motion Prevailed.

Mr. Pratt moved to adopt from the word "whatever" in line five to and including the word "provided" in line seventeen.

By unanimous consent the suffix "ity" was taken off the word "municipality" in line thirteen.

Recurring to Mr. Pratt's motion to adopt,

The motion Was Lost.

Mr. Pratt moved to adopt the remainder of the report,

Which motion Was Lost.

Motion to rise, report the adoption of the first paragraph with amendments and recommend its adoption by the Convention, prevailed.

Friday, April 9, 1897.
11.15 o'clock, a. m.

The Committee of the Whole met to consider the fourth report of the Committee on the Legislature,

Mr. Cooch in the chair.

The Committee of the Whole proceeded to consider the following report:

Fourth report of the Committee on the Legislature.

The Committee on the Legislature recommends the adoption of the following as sections in the Constitution, to be inserted under an appropriate title:

Section 1. No person shall be a Senator who shall not have attained the age of twenty-seven years, and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the county including the Senatorial District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State. No person shall be a Representative who shall not have attained the age of twenty-four years, and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the county including the Representative District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State.

Section 2. The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be paid out of the treasury of the State. No law varying such compensation shall take effect until after a general election shall have been held since its enactment.

Section 3. Whenever there shall be a vacancy in either House of the General Assembly, by reason of failure to elect,

ineligibility, death, resignation or otherwise, a writ of election shall be issued by the presiding officer of the House in which the vacancy exists, or in cases of necessity in such other manner as shall be provided by law; and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term. And whenever there shall be such vacancy in either House, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy, which writ shall be executed as a writ issued by the presiding officer of either House in case of vacancy, and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term.

Section 4. The Senate at each biennial session shall choose a President pro tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor, or while he continues in the exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers, and in the absence of the Lieutenant Governor and its President pro tempore may, from time to time as occasion may require, appoint one of its own members to preside. The House of Representatives shall choose its Speaker and other officers, and in the absence of the Speaker may, from time to time as occasion may require, appoint one of its own members to preside.

Section 5. The State Treasurer shall settle his accounts annually with the General Assembly or a joint committee thereof, which shall be appointed at every biennial session. No person who has served in the office of State Treasurer shall be eligible to a seat in either House of the General Assembly until he shall have made a final settlement of his accounts as treasurer and discharged the balance, if any, due thereon.

Section 6. Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon.

Section 7. No person who shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the

General Assembly, or capable of holding any office of trust, honor or profit under this State.

Section 8. Every statute shall be a public law unless otherwise declared in the statute itself.

Section 9. Every person who shall give, offer or promise, directly or indirectly, any money, testimonial, privilege, personal advantage or thing of value to any executive or judicial officer of this State or member of either House of the General Assembly for the purpose of influencing him in the performance of any of his official or public duties shall be deemed guilty of bribery, and shall be punished in such manner as shall be provided by law.

Section 10. The General Assembly shall not pass any local or special law relating to fences, the straying of live stock, ditches, the creation or changing the boundaries of school districts, or the laying out, opening, alteration, maintenance or vacation, in whole or in part, of any road, highway, street, lane or alley.

GEORGE H. MURRAY,
WILLIAM SAULSBURY,
EDWARD G. BRADFORD,
J. WILKINS COOCH.

Mr. Saulsbury moved to adopt Section 1, as follows:

Section 1. No person shall be a Senator who shall not have attained the age of twenty-seven years, and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the county including the Senatorial District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State. No person shall be a Representative who shall have not attained the age of twenty-four years, and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the county including the Representative District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State.

Mr. Saulsbury moved to strike out of lines six and fourteen the word "including" and insert the words "of which" in lieu thereof; and in lines seven and fourteen insert between the words "chosen" and "unless" the words "is a part."

Withdrawn, by unanimous consent.

Mr. Bradford moved to strike out of lines six and fourteen the word "including" and insert in lieu thereof the words "which includes."

Mr. Hearne moved to strike out of lines six and fourteen the words "county including the" and that this be a substitute for Mr. Bradford's motion,

Which motion Prevailed.

Recurring to the motion to adopt, as amended, Section 1, as follows:

Section 1. No person shall be a Senator who shall not have attained the age of twenty-seven years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Senatorial District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State. No person shall be a Representative who shall not have attained the age of twenty-four years and have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term an inhabitant of the Representative District in which he shall be chosen, unless he shall have been absent on the public business of the United States or of the State.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 2, as follows:

Section 2. The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be paid out of the treasury of the State. No law varying such compensation shall take effect until after a general election shall have been held since its enactment.

Mr. Spruance moved to strike out of lines two and three

the words "and of the Lieutenant Governor as President of the Senate,"

Which motion Was Lost.

Recurring to the motion to adopt Section 2, as follows:

Section 2. The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be paid out of the treasury of the State. No law varying such compensation shall take effect until after a general election shall have been held since its enactment.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 3, as follows:

Section 3. Whenever there shall be a vacancy in either House of the General Assembly, by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election shall be issued by the presiding officer of the House in which the vacancy exists, or in cases of necessity in such other manner as shall be provided by law; and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term. And whenever there shall be such vacancy in either House, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy, which writ shall be executed as a writ issued by the presiding officer of either House in case of vacancy, and the person thereupon chosen to fill such vacancy shall hold office for the residue of the term.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 4, as follows:

Section 4. The Senate at each biennial session shall choose a President pro tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor, or while he continues in the exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers, and, in the absence of the Lieutenant Governor and its President pro tempore may, from time to time as occasion may require, appoint one of its

own members to preside. The House of Representatives shall choose its Speaker and other officers, and in the absence of the Speaker may, from time to time as occasion may require, appoint one of its own members to preside.

Mr. Saulsbury moved to strike out of line two between the words "choose" and "President" the word "a" and insert in lieu thereof the words "one of its members"; strike out in line ten the word "own"; strike out in line twelve the word "its" and insert in lieu thereof the words "one of its members," and insert in the same between the words "and" and "others" the words "also choose its," and in line fourteen strike out the word "own."

The motion Prevailed.

Recurring to the motion to adopt, as amended, Section 4, as follows:

Section 4. The Senate at each biennial session shall choose one of its members President pro tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor or while he continues in the exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers, and in the absence of the Lieutenant Governor and its President pro tempore may, from time to time as occasion may require, appoint one of its members to preside. The House of Representatives shall choose one of its members Speaker and also choose its other officers, and in the absence of the Speaker may, from time to time as occasion may require, appoint one of its members to preside.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 5, as follows:

Section 5. The State Treasurer shall settle his accounts annually with the General Assembly or a joint committee thereof, which shall be appointed at every biennial session. No person who has served in the office of State Treasurer shall be eligible to a seat in either House of the General Assembly until he shall have made a final settlement of his accounts as treasurer and discharged the balance, if any, due thereon.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 6, as follows:

Section 6. Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 7, as follows:

Section 7. No person who shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 8, as follows:

Section 8. Every statute shall be a public law unless otherwise declared in the statute itself.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 9, as follows:

Section 9. Every person who shall give, offer or promise, directly or indirectly, any money, testimonial, privilege, personal advantage or thing of value to any executive or judicial officer of this State or member of either House of the General Assembly for the purpose of influencing him in the performance of any of his official or public duties shall be deemed guilty of bribery, and shall be punished in such manner as shall be provided by law.

The motion Prevailed.

Mr. Saulsbury moved to adopt Section 10, as follows:

Section 10. The General Assembly shall not pass any local or special law relating to fences, the straying of live stock, ditches, the creation or changing the boundaries of school dis-

tricts, or the laying out, opening, alteration, maintenance or vacation, in whole or in part, of any road, highway, street, lane or alley.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.01 o'clock, p. m.

The Committee of the Whole met to further consider the fourth report of the Committee on the Legislature,

Mr. Cooch in the chair.

Recurring to Mr. Saulsbury's motion to adopt Section 10, as follows:

Section 10. The General Assembly shall not pass any local or special law relating to fences; the straying of live stock; ditches; the creation or changing the boundaries of school districts; or the laying out, opening, alteration, maintenance or vacation, in whole or in part, of any road, highway, street, lane or alley.

The motion Prevailed.

Motion to rise, report the adoption of the fourth report of the Committee on the Legislature and recommend its adoption by the Convention, prevailed.

Same Day, 2.17 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Phraseology and Arrangement,

Mr. Cavender in the chair.

The Committee of the Whole proceeded to consider the following report:

First report of the Committee on Phraseology and Arrangement.

The Committee on Phraseology and Arrangement recommend the following amendments to the Constitution.

Strike out Sections 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 of Article VII, and insert in lieu thereof the following:

ARTICLE —.

Section 1. The Chancellor, Judges and Attorney General shall be conservators of the peace throughout the State; and the Sheriffs and Coroners shall be conservators of the peace within the counties respectively in which they reside.

Section 2. No public officer shall receive any fees without giving to the person paying the same a receipt therefor, if required, therein specifying every item and charge.

Section 3. No costs shall be paid by a person accused, on a bill being returned ignoramus, nor on acquittal.

Section 4. The rights, privileges, immunities and estates of religious societies and corporate bodies, except as herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

Section 5. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws; and all actions and prosecutions now pending shall proceed as if this Constitution had not been made.

Section 6. This Constitution shall be prefixed to every codification of the laws of this State.

Section 7. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

Strike out Article VIII and insert in lieu thereof the following:

ARTICLE —.

Members of the General Assembly and all public officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of ————————, according to the best of my ability"; and all such officers, except as aforesaid, who shall have been chosen at any election shall, before they enter upon the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office."

No other oath, declaration or test shall be required as a qualification for any office of public trust.

EDWARD G. BRADFORD,
J. WILKINS COOCH,
W. C. SPRUANCE,
WILLIAM SAULSBURY,
JAMES B. GILCHRIST,
EDWARD D. HEARNE.

Mr. Bradford moved to adopt Section 1, as follows:

Section 1. The Chancellor, Judges and Attorney General shall be conservators of the peace throughout the State; and the Sheriffs and Coroners shall be conservators of the peace within the counties respectively in which they reside.

The motion Prevailed.

Mr. Bradford moved to adopt Section 2, as follows:

Section 2. No public officer shall receive any fees without giving to the person paying the same a receipt therefor, if required, therein specifying every item and charge.

The motion Prevailed.

Mr. Bradford moved to adopt Section 3, as follows:

Section 3. No costs shall be paid by a person accused, on a bill being returned ignoramus, nor on acquittal.

The motion Prevailed.

Mr. Bradford moved to adopt Section 4, as follows:

Section 4. The rights, privileges, immunities and estates of religious societies and corporate bodies, except as herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

Mr. Cooch moved to add at the end of Section 4, the following:

No ordained clergyman or ordained preacher of the gospel of any denomination shall be capable of holding any civil office in this State, or of being a member of either branch of the Legislature, while he continues in the exercise of the pastoral or clerical functions.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Cavender, Cooch, Ellegood, Johnson, Orr, Sapp.

Nays—Messrs. Bradford, Burris, Cannon, Clark, Gilchrist, Hearne, Hering, Moore, Murray, Saulsbury, Smithers, Spruance, Wright.

Yeas, 7; nays, 13.

So the question was decided in the negative, and the motion was lost.

Recurring to the motion to adopt Section 4, as follows:

Section 4. The rights, privileges, immunities and estates of religious societies and corporate bodies, except ae herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

The motion Prevailed.

Mr. Bradford moved to adopt Section 5, as follows:

Section 5. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws; and all actions and prosecutions now pending shall proceed as if this Constitution had not been made.

The motion Prevailed.

Mr. Bradford moved to adopt Section 6, as follows:

Section 6. This Constitution shall be prefixed to every codification of the laws of this State.

The motion Prevailed.

Mr. Bradford moved to adopt Section 7, as follows:

Section 7. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

The motion Prevailed.

Mr. Bradford moved to adopt Article —, following the words,

Strike out Article VIII and insert in lieu thereof the following:

ARTICLE —.

Members of the General Assembly and all public officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of ————————, according to the best of my ability"; and all such officers, except as aforesaid, who shall have been chosen at any election shall, before they enter upon the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office."

No other oath, declaration or test shall be required as a qualification for any office of public trust.

The motion Prevailed.

Mr. Bradford moved to adopt the following language:

Strike out Sections 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 of Article VII, and insert in lieu thereof the following:

Strike out Article VIII and insert in lieu thereof the following:

The motion Prevailed.

Motion to rise, report the adoption of the first report of the Committee on Phraseology and Arrangement and recommend its adoption by the Convention, prevailed.

Monday, April 12, 1897.
11.27 o'clock, a. m.

The Committee of the Whole met to consider the fourth report of the Committee on the Governor and Other Executive Officers,

Mr. Martin in the chair.

On motion of Mr. Hearne the report was read, as follows:

Section 1. The General Assembly shall provide for the establishment and maintenance of a State Board of Health, which shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law; and also for the establishment and maintenance of such local boards of health as may be necessary, to be under the supervision of the State Board to such extent and have such powers as may be prescribed by the General Assembly.

Mr. Bradford moved that the word "Section" and the figure "1" be stricken from the report,

Which motion Prevailed.

Recurring to the motion to adopt, as amended, as follows:

The General Assembly shall provide for the establishment and maintenance of a State Board of Health, which shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law; and also for the establishment and maintenance of such local boards of health as may be necessary, to be under the supervision of the State Board to such extent and have such powers as may be prescribed by the General Assembly.

The motion Prevailed.

Motion to rise, report the adoption of the fourth report of Committee on the Governor and Other Executive Officers, prevailed.

Same Day, 2.10 o'clock, p. m.

The Committee of the Whole met to consider the majority and minority reports of the Committee on the Manufacture and Sale of Intoxicating Liquors, also the substitute offered for both of them,

Mr. Cooch in the chair.

The reports and substitute, as referred to the Committee of the Whole, were as follows:

MAJORITY REPORT.

Majority report of the Committee on the Manufacture and Sale of Intoxicating Liquors.

The Committee on Manufacture and Sale of Intoxicating Liquors recommend the adoption of the following, as sections in the Constitution of Delaware, to be inserted under an appropriate title:

Section 1. The citizens of this State who shall be qualified to vote under the provisions of this Constitution may vote by districts, as hereinafter provided, for or against the licensing of any person or persons, firm or firms, corporation or corporations, to manufacture or to sell intoxicating liquors, either spirituous, vinous or malt, in said districts respectively; and if a majority of votes cast in any district be against granting license, no intoxicating liquors, either spirituous, vinous or malt, shall be manufactured or sold within the limits of said district, until the will of the people, expressed as hereinafter provided, shall be shown to be in favor of granting such license.

Section 2. The first vote under the provisions of this Article shall be taken at the general election to be held on Tuesday next after the first Monday in November, A. D., 1898, and the will of the people as then expressed by the majority of the votes cast at such general election shall control the grant-

ing or withholding of license to manufacture or sell intoxicating liquor, either spirituous, vinous or malt, within the limits of said district, until the General Assembly, upon the petition of one-fourth of the registered voters of any district, shall provide for a vote, for or against license, at the general election next after the session of the General Assembly, and the will of the people as then expressed by the majority of the votes cast at such general election shall control the granting or withholding of license to manufacture or to sell intoxicating liquor, either spirituous, vinous or malt, within the limits of said district; and it shall be the duty of the General Assembly, upon the petition of one-fourth the registered voters of any district, to provide for a vote to be had at the general election next after the session of the General Assembly, and the will of the people as expressed by the majority of votes cast at such general election shall control the granting or withholding of license to manufacture or to sell intoxicating liquor, either spirituous, vinous or malt, within the limits of said district.

Section 3. Under the provisions of this Article Sussex county shall comprise one district, Kent county one district, the City of Wilmington, as its corporate limits now are or as they may hereafter be extended, one district and the remaining part of New Castle county one district.

Section 4. The provisions of this Article of the Constitution shall not apply to druggists, who may be licensed to sell intoxicating liquor for sacramental purposes or for medicinal purposes under a prescription from a practicing physician in this State, subject to such regulations as shall be prescribed by law; provided, however, no one shall be considered a druggist within the meaning of this Article, except such person or persons as shall have, at the time of application and during the time for which license is granted, a stock of drugs of the value of one thousand dollars and shall file with the application for license a statement showing the value of the stock to be one thousand dollars and an affidavit that it will continue to be of the same amount during the time for which such license is asked.

Section 5. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, and shall enact laws governing the manufacture and sale of

intoxicating liquors under the limitations of this Article of the Constitution and provide such penalties as may be necessary to enforce the same.

JOSHUA A. ELLEGOOD,
WILLIAM A. CANNON,
CHARLES F. RICHARDS,
E. N. MOORE,
LOWDER L. SAPP,
MARTIN B. BURRIS,
PARIS T. CARLISLE, JR.

MINORITY REPORT.

ARTICLE —.

Section 1. The General Assembly may provide by law for the submission to the vote of the qualified voters of the several counties, hundreds, districts or other territorial divisions of the State, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof.

PROPOSED SUBSTITUTE.

Section 1. At the general election to be held on Tuesday next after the first Monday in November in the year A. D., 1898, and every four years thereafter, every qualified elector shall be entitled to vote "for license" or "against license," and in every district, as hereinafter described, in which there is a majority against license, no person or persons, firm or firms, corporation or corporations, shall thereafter manufacture or sell spirituous, vinous or malt liquors within said district until at a subsequent election a majority of votes shall be cast in said district for license.

Section 2. Under the provisions of this Article, Sussex county shall comprise one district, Kent county one district, the City of Wilmington, as its corporate limits now are or they may hereafter be extended, one district, and the remaining part of New Castle county one district.

Section 3. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, and shall enact laws governing the manufacture and

sale of intoxicating liquors under the limitations of this Article of the Constitution, and provide such penalties as may be necessary to enforce the same.

Mr. Ellegood moved to adopt Section 1 of the majority report, as follows:

Section 1. The citizens of this State who shall be qualified to vote under the provisions of this Constitution may vote by districts, as hereinafter provided, for or against the licensing of any person or persons, firm or firms, corporation or corporations, to manufacture or to sell intoxicating liquors, either spirituous, vinous or malt, in said districts respectively; and if a majority of votes cast in any district be against granting license, no intoxicating liquors, either spirituous, vinous or malt, shall be manufactured or sold within the limits of said district, until the will of the people, expressed as hereinafter provided, shall be shown to be in favor of granting such license.

Mr. Carlisle moved the following as a substitute for Section 1:

The General Assembly may provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in Section 2 of this Article, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no person or persons, firm or firms, corporation or corporations, shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said district until at a subsequent submission of such question a majority of votes shall be cast in said district for license.

Mr. Gilchrist moved the following as a substitute for Section 1:

Section 1. At the general election to be held on Tuesday next after the first Monday in November in the year A. D., 1898, and every four years thereafter, every qualified elector shall be entitled to vote "for license" or "against license," and

in every district, as hereinafter described, in which there is a majority against license, no person or persons, firm or firms, corporation or corporations, shall thereafter manufacture or sell spirituous, vinous or malt liquors within said district until at a subsequent election a majority of votes shall be cast in said district for license.

Motion to rise, report progress and ask leave to sit again, prevailed.

Tuesday, April 13, 1897.
10.41 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on the Manufacture and Sale of Intoxicating Liquors and the substitute for the same,

Mr. Cooch in the chair.

Recurring to Mr. Gilchrist's substitute offered yesterday,

Mr. Gilchrist asked unanimous consent to strike out of line three the words "and every four years thereafter."

Objection being offered the request was not granted.

Again recurring to Mr. Gilchrist's substitute,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Clark, Gilchrist, Horsey, Murray, Orr, Sapp, Smithers, Wright.

Nays—Messrs. Bradford, Biggs, Carlisle, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Evans, Harman, Hearne, Hering, Johnson, Martin, Pratt, Saulsbury, Spruance.

Yeas, 9; nays, 18.

So the question was decided in the negative, and the substitute was not adopted.

Recurring to the substitute offered by Mr. Carlisle, yesterday,

Mr. Gilchrist offered the following amendment to be added at the end of the substitute:

Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any

district named in Section 2 shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.35 o'clock, p. m.

The Committee of the Whole met to further consider the majority and minority reports of the Committee on the Manufacture and Sale of Intoxicating Liquors, and the substitute for both of them,

Mr. Cooch in the chair.

Recurring to Mr. Gilchrist's amendment of this morning to amend Mr. Carlisle's substitute,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Clark, Cooper, Ellegood, Gilchrist, Harman, Horsey, Johnson, Murray, Orr, Sapp, Saulsbury, Smithers, Wright.

Nays—Messrs. Biggs, Carlisle, Cavender, Cooch, Dasey, Donahoe, Evans, Hearne, Hering, Martin, Spruance.

Pesent and not voting—Mr. Pratt.

Yeas, 15; nays, 11; present and not voting, 1.

So the question was decided in the affirmative, and the amendment was adopted.

On the question to adopt, as amended, the substitute for Section 1, of the majority report, as follows:

Section 1. The General Assembly may provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in Section 2 of this Article, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no person or persons, firm or firms, corporation or corporations, shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said district until at a subsequent submission of such question a majority of votes shall be cast in said district for license.

Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any district named in Section 2 shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

The motion Prevailed.

Mr. Ellegood moved to adopt Section 2 of the substitute for the majority and minority reports.

By unanimous consent the word "they" in line four was stricken out.

Recurring to the motion to adopt Section 2, as follows:

Section 2. Under the provisions of this Article, Sussex county shall comprise one district, Kent county one district, the City of Wilmington, as its corporate limits now are or may hereafter be extended, one district, and the remaining part of New Castle county one district.

The motion Prevailed.

Mr. Donahoe moved the following as a substitute for Section 3:

Section 3. And no district in which licenses shall be prohibited by virtue of this Article shall receive or have expended

in it or for its benefit, either directly or indirectly, any money received from licenses issued for the manufacture or sale of such liquors in any other district.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Cooch, Donahoe, Evans, Harman, Martin, Murray.

Nays—Messrs. Bradford, Biggs, Burris, Clark, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Hering, Johnson, Orr, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright.

Yeas, 7; nays, 19.

So the question was decided in the negative, and the motion was lost.

Mr. Donahoe moved the following as a substitute for Section 3:

Section 3. Of all money derived from licenses issued for the manufacture and sale of any such liquors, one third shall be paid into the State treasury, one third into the county treasury, and the remaining one third for such local purpose of the district wherein such money is raised as by law may be provided.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooch, Donahoe, Evans, Martin.

Nays—Messrs. Bradford, Biggs, Burris, Cavender, Clark, Cooper, Dasey, Ellegood, Gilchrist, Harman, Hearne, Horsey, Hering, Johnson, Murray, Orr, Pratt, Sapp, Saulsbury, Smithers, Spruance, Wright.

Yeas, 4; nays, 22.

So the question was decided in the negative, and the motion was lost.

Mr. Ellegood moved the following as Section 3:

Section 3. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this

Article, and shall enact laws governing the manufacture and sale of intoxicating liquors under the limitations of this Article of the Constitution, and provide such penalties as may be necessary to enforce the same.

The motion Prevailed.

Mr. Ellegood moved to adopt the report as a whole, as follows:

Section 1. The General Assembly may provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in Section 2 of this Article, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no person or persons, firm or firms, corporation or corporations, shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within said district until at a subsequent submission of such question a majority of votes shall be cast in said district for license.

Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any district named in Section 2 shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

Section 2. Under the provisions of this Article, Sussex county shall comprise one district, Kent county one district, the City of Wilmington, as its corporate limits now are or may hereafter be extended, one district, and the remaining part of New Castle county one district.

Section 3. The General Assembly shall provide necessary laws to carry out and enforce the provisions of this Article, and shall enact laws governing the manufacture and sale of intoxicating liquors under the limitations of this Article of the Constitution, and provide such penalties as may be necessary to enforce the same.

The motion Prevailed.

Motion to rise, report the adoption of three sections as a substitute for the report of the Committee on the Manufacture and Sale of Intoxicating Liquors, and to recommend its adoption by the Convention, prevailed.

Wednesday, April 14, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Bill of Rights,

Mr. Pratt in the chair.

Mr. Cooper moved to adopt the report of the committee, as follows:

The Preamble and Article I in its entirety with the following amendments:

Section 1. Strike out the words "the Author of the Universe" and insert in lieu thereof the words "Almighty God."

In Section 4 insert at the end the following:

"But in any civil cause upon the request of both parties, all issues of fact shall be determined by the court without a jury."

And whenever the word "Legislature" occurs erase it and insert in lieu thereof the words "General Assembly."

By unanimous consent the amendment proposed for Section 4 was stricken out.

Mr. Cooper then moved the adoption of the report as amended.

The motion Prevailed.

Motion to rise, report the adoption of the report as amended and recommend its adoption by the Convention, prevailed.

Same Day, 11.10 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions,

Mr. Cooch in the chair.

The Committee of the Whole proceeded to consider the following report:

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least two newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said general election such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, the Secretary of State shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State at the next general election; and if such proposed amendment or amendments shall be approved by a majority of those voting thereon, the same shall become part of the Constitution, upon the ascertainment of such result by the General Assembly. When two or more proposed amendments shall be so submitted they shall be voted upon separately.

Section 2 The General Assembly may, from time to time, provide by law for the submitting to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and

amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide by law for the election of delegates to such Convention at the next general election. Such Convention shall be composed of fifty-two delegates, of whom fifteen shall be chosen from New Castle county by the qualified electors thereof; ten from Kent county by the qualified electors thereof; ten from Sussex county by the qualified electors thereof; and seventeen from the State at large by the qualified electors thereof. The delegates so elected shall convene at the Capital of the State on the first Tuesday in March next after their election. Every delegate shall receive for his services the same compensation as shall then be payable to the members of the General Assembly. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members. In case of a vacancy by death, resignation or other cause in a county delegation, such vacancy shall be filled by a vote by the remaining delegates from such county; and in case of a vacancy by death, resignation or other cause in the delegation from the State at large, such vacancy shall be filled by a vote of the remaining delegates at large.

Section 3. The General Assembly shall provide by law for receiving, tallying and counting the votes for or against proposed amendments to the Constitution, and for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also by law enact all provisions necessary for giving effect to this Article.

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article shall require for its validity the approval of the Governor, and the same shall be exempt from the provisions of Section 21 of Article III of this Constitution.

Section 5. In voting at any general election, upon pro-

posed amendments to the Constitution, or upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots so cast.

WILLIAM P. ORR, Jr.,
W. C. SPRUANCE,
MARTIN B. BURRIS,
LOWDER L. SAPP,
J. A. ELLEGOOD,
W. T. CAVENDER,
PARIS T. CARLISLE, Jr.,
EDWARD G. BRADFORD.

Mr. Carlisle moved to adopt Section 1, as follows:

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least two newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said general election such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, the Secretary of State shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State at the next general election; and if such proposed amendment or amendments shall be approved by a majority of those voting thereon, the same shall become part of the Constitution, upon the ascertainment of such result by the General Assembly. When two or more proposed amendments shall be so submitted they shall be voted upon separately.

Mr. Saulsbury moved to strike out of line four the words "a majority" and insert in lieu thereof the words "three-fourths."

Mr. Biggs moved to amend Mr. Saulsbury's motion, as follows: In line four strike out the words "a majority" and insert in lieu thereof the words "two-thirds"; strike out all after the word "published" in line eleven and to and including the word "aforesaid" in line sixteen, and insert in line eighteen, between the words "election" and "and" the following: "for their approval or rejection."

By unanimous consent Mr. Saulsbury was allowed to withdraw his motion.

Mr. Saulsbury moved to amend Mr. Biggs' motion by striking out of Section 1. after the word "published" in line eleven and insert in lieu thereof the following:

And if two-thirds of all the members elected to each House of the General Assembly shall, after such election, and before another, ratify the said amendment or amendments, it or they shall be valid to all intents and purposes as part of this Constitution.

Motion to rise, report progress and ask leave to sit again, prevailed.

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Same Day, 2.40 o'clock, p. m.

The Committee of the Whole met to further consider the first report of the Committee on Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions,

Mr. Cooch in the chair.

Recurring to Mr. Saulsbury's motion, it was lost.

Recurring to Mr. Biggs' motion, it was lost.

Mr. Hering moved to strike out of lines four and thirteen the words "a majority" and insert in lieu thereof the words "two-thirds."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cannon, Cavender, Clark, Cooch, Cooper, Dasey, Hearne, Hering, Saulsbury, Wright.

Nays—Messrs. Bradford, Biggs, Burris, Donahoe, Ellegood, Gilchrist, Harman, Murray, Pratt, Spruance.

Yeas, 10; nays, 10.

So the question was decided in the negative, and the motion was lost.

Mr. Saulsbury moved to strike out of lines four and thirteen the words "a majority" and insert in lieu thereof the words "three-fifths."

Mr. Saulsbury moved to vote first on amending line thirteen,

Which motion Prevailed.

On the motion to amend line thirteen,

The motion Prevailed.

On the motion to amend line four,

The motion Was Lost.

By unanimous consent the words "for approval or rejection" were inserted in line eighteen between the words "election" and "and."

On motion to adopt, as amended, Section 1, as follows:

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least two newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after

the said general election such proposed amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, the Secretary of State shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State at the next general election, for approval or rejection; and if such proposed amendment or amendments shall be approved by a majority of those voting thereon, the same shall become part of the Constitution upon the ascertainment of such result by the General Assembly. When two or more proposed amendments shall be so submitted they shall be voted upon separately.

The motion Prevailed.

Mr. Harman moved to adopt Section 2, as follows:

Section 2 The General Assembly may, from time to time, provide by law for the submitting to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide by law for the election of delegates to such Convention at the next general election. Such Convention shall be composed of fifty-two delegates, of whom fifteen shall be chosen from New Castle county by the qualified electors thereof; ten from Kent county by the qualified electors thereof; ten from Sussex county by the qualified electors thereof; and seventeen from the State at large by the qualified electors thereof. The delegates so elected shall convene at the Capital of the State on the first Tuesday in March next after their election. Every delegate shall receive for his services the same compensation as shall then be payable to the members of the General Assembly. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members. In case of

a vacancy by death, resignation or other cause in a county delegation, such vacancy shall be filled by a vote by the remaining delegates from such county; and in case of a vacancy by death, resignation or other cause in the delegation from the State at large, such vacancy shall be filled by a vote of the remaining delegates at large.

Mr. Harman moved to adopt of Section 2 to and including the word "election" in line ten, as follows:

Section 2. The General Assembly may, from time to time, provide by law for the submitting to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide by law for the election of delegates to such Convention at the next general election.

The motion Prevailed.

Mr. Harman moved to adopt of lines ten and eleven, the following words:

Such Convention shall be composed of fifty-two delegates.

Mr. Clark moved to strike out of line ten the word "fifty-two" and insert in lieu thereof the word "thirty-five."

Mr. Bradford moved to amend Mr. Clark's motion by striking out the word "thirty-five" and inserting in lieu thereof the word "forty-five."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Donahoe, Ellegood, Harman, Saulsbury, Spruance.

Nays—Messrs. Cannon, Cavender, Clark, Cooper, Dasey, Gilchrist, Hearne, Hering, Pratt, Wright.

Yeas, 7; nays, 10.

So the question was decided in the negative, and the motion was lost.

Motion to rise, report progress and ask leave to sit again, was lost.

Recurring to Mr. Clark's motion,

Mr. Saulsbury moved to amend by striking out the word "thirty-five" and inserting in lieu thereof the word "fifty."

On motion to rise, report progress and ask leave to sit again,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Donahoe, Ellegood, Gilchrist, Harman, Pratt, Saulsbury, Spruance.

Nays—Messrs. Cannon, Cavender, Clark, Cooper, Dasey, Hearne, Hering, Wright.

Yeas, 9; nays, 8.

So the question was decided in the affirmative, and the motion prevailed.

Thursday, April 15, 1897.
10.47 o'clock, a. m.

The Committee of the Whole met to consider the substitute for the first report of the Committee on Agriculture, as amended and adopted in Committee of the Whole,

Mr. Gilchrist in the chair.

Mr. Horsey moved to strike out of Section 2 the following:

"together with the Director of the Delaware College Experiment Station and the Horticulturist of said station; the last two named officers shall be members exofficio of the said board."

And in line six strike out the word "three" and insert in lieu thereof the word "two."

The motion Prevailed.

Mr. Horsey moved to strike out of Section 7, line three, the words "continued or."

The motion Prevailed.

Mr. Bradford moved to strike out of Section 4 all after the word "animals" in line four.

Mr. Cooch moved to substitute for Mr. Bradford's motion by striking out of line five the word "prosecute" and insert in lieu thereof the word "report" and strike out of the section the words "and such other powers as the General Assembly may provide."

Accepted by Mr. Bradford.

By unanimous consent Mr. Cooch withdrew his substitute for Mr. Bradford's motion.

Motion to rise, report the Committee recommends that the report be recommitted to the standing committee, prevailed.

Same Day, 2.31 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions,

Mr. Gilchrist in the chair.

Recurring to Mr. Saulsbury's motion of yesterday to amend Mr. Clark's motion, it was lost.

Mr. Spruance moved to strike out of Mr. Clark's motion of yesterday the word "thirty-five' and insert in lieu thereof the word "forty,"

Which motion Was Lost.

Recurring to Mr. Clark's motion of yesterday, it prevailed.

Mr. Hearne moved to strike out lines twelve, thirteen, fourteen, fifteen and to and including the word "thereof" in line sixteen, and insert in lieu thereof the following:

"Five shall be chosen from the City of Wilmington, as the city limits now are or may hereafter be extended; ten from the rural portion of New Castle county; ten from Kent county, and ten from Sussex county; provided, that no elector shall vote for more than three delegates in the City of Wilmington, and no elector shall vote for more than six delegates in each of the other three of said districts."

Mr. Bradford moved as a substitute for Mr. Hearne's motion the following:

"Of whom fifteen shall be chosen from New Castle county by the qualified electors thereof; ten from Kent county by the qualified electors thereof, and ten from Sussex county by the qualified electors thereof; provided that in New Castle county no elector shall vote for more than eight persons for the office of delegate and that in Kent county and Sussex

county respectively no elector shall vote for more than six persons for the said office."

Accepted by Mr. Hearne.

Motion to rise, report progress and ask leave to sit again, prevailed.

Monday, April 19, 1897.
2.05 o'clock, p. m.

The Committee of the Whole met to consider Section 18 of the first report of the Committee on Legislature,

Mr. Martin in the chair.

Mr. Bradford moved to strike out of lines one and two the words: "No bill or joint resolution shall, except general appropriation bills," and insert in lieu thereof the words: "No bill or joint resolution, except bills appropriating money for public purposes, shall."

The motion Prevailed.

Mr. Richards moved to adopt, as amended, Section 18, as follows:

Section 18. No bill or joint resolution, except bills appropriating money for public purposes, shall embrace more than one subject, which shall be expressed in its title; but a bill or joint resolution in violation of this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed.

The motion Prevailed.

Motion to rise, report the adoption of Section 18, as amended, and recommend its adoption by the Convention, prevailed.

Same Day, 2.12 o'clock, p. m.

The Committee of the Whole met to consider the first report of the Committee on Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions,

Mr. Gilchrist in the chair.

Recurring to Mr. Bradford's substitute for Mr. Hearne's motion of the 15th instant,

Mr. Biggs moved to substitute for Mr. Hearne's motion by striking out of line eleven, beginning with and including the words "of whom" and to and including the word "thereof" in line sixteen and inserting in lieu thereof the following:

"One of whom shall be elected from each of the Representative Districts by the qualified electors thereof."

The motion Was Lost.

Mr. Spruance moved as a substitute for Mr. Hearne's motion the following:

"One of whom shall be chosen from each Senatorial District by the qualified electors thereof; three from the City of Wilmington by the qualified electors thereof; five from the remaining portion of New Castle county by the qualified electors thereof; five from Kent county by the qualified electors thereof, and five from Sussex county by the qualified electors thereof."

The motion Prevailed.

Recurring to Mr. Hearne's motion,

Mr. Spruance moved that a division be had on this motion,

Which motion Was Lost.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.40 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Agriculture,

Mr. Cooch in the chair.

The Committee of the Whole proceeded to consider the following report:

Second report of the Committee on Agriculture.

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State. Any two of them shall constitute a quorum for the transaction of business.

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the Senate shall next be in session.

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees,

plants, vegetables, cereals, horses, cattle and other farm animals, and upon complaint made by the board to the Attorney General, of any grievances committed by any common carrier or transportation company touching freight charges or efficiency of transportation, it shall be the duty of the Attorney General to institute and prosecute proceedings for the investigation and redress of such grievances in manner as shall be provided by law.

Section 5. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 6. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

ANDREW J. HORSEY,
D. S. CLARK,
E. W. COOPER,
EDWARD G. BRADFORD,
E. N. MOORE,
JAMES B. GILCHRIST,
W. T. CAVENDER,
NATHAN PRATT,
I. K. WRIGHT.

Mr. Horsey moved to adopt Section 1, as follows:

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

The motion Prevailed.

Mr. Horsey moved to adopt Section 2, as follows:

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in

each county in the State. Any two of them shall constitute a quorum for the transaction of business.

The motion Prevailed.

Mr. Horsey moved to adopt Section 3, as follows:

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: provided, that any vacancy occuring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the Senate shall next be in session.

Mr. Martin moved to strike out of line two the words "a majority" and insert in lieu thereof the word "three-fifths."

The motion Was Lost.

Mr. Spruance moved to strike out of lines thirteen and fourteen the words "Senate shall next be in session" and insert in lieu thereof the words "end of the next session of the Senate."

The motion Prevailed.

Motion to adopt, as amended, Section 3, as follows:

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years; and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their

successors are duly qualified: provided, that any vacancy occuring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

The motion Prevailed.

Mr. Horsey moved to adopt Section 4, as follows:

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and upon complaint made by the board to the Attorney General of any grievances committed by any common carrier or transportation company touching freight charges or efficiency of transportation it shall be the duty of the Attorney General to institute and prosecute proceedings for the investigation and redress of such grievances in manner as shall be provided by law.

The motion Prevailed.

Mr. Horsey moved to adopt Section 5, as follows:

Section 5. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

The motion Prevailed.

Mr. Horsey moved to adopt Section 6, as follows:

Section 6. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

The motion Prevailed.

Mr. Horsey moved to adopt Section 7, as follows:

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

The motion Prevailed.

Mr. Horsey moved to adopt the report as amended, as a whole, as follows:

Section 1. There shall be a department established and maintained, known as the State Board of Agriculture.

Section 2. The said board shall be composed of three Commissioners of Agriculture, one of whom shall reside in each county in the State. Any two of them shall constitute a quorum for the transaction of business.

Section 3. The said three Commissioners of Agriculture shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, one for the term of one year, one for the term of two years and one for the term of three years, and thereafter all appointments of Commissioners of Agriculture shall be made as aforesaid for the term of three years, and they shall hold office until their successors are duly qualified: provided, that any vacancy occurring in the office of Commissioner of Agriculture before the expiration of a term shall be filled by appointment as aforesaid for the remainder of the term; and provided further, that in case such vacancy shall occur when the Senate is not in session, such vacancy may be filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

Section 4. The said board shall have the power to abate and prevent, by such means as the General Assembly shall prescribe, all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals; and upon complaint made by the board to the Attorney General of any grievances committed by any common carrier or transportation company touching freight charges or effi-

ciency of transportation it shall be the duty of the Attorney General to institute and prosecute proceedings for the investigation and redress of such grievances in manner as shall be provided by law.

Section 5. The said commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and such plans may be executed as prescribed by the General Assembly.

Section 6. The General Assembly shall provide by law for the compensation of the members of said board, prescribe and define their duties, and enact suitable provisions for the execution by the said board of the powers herein designated.

Section 7. The Board of Agriculture hereby established shall continue for eight years from the date of the qualification of the first member thereof, after which it may be abolished by the General Assembly.

The motion Prevailed.

Motion to rise, report the adoption of the report as amended and recommend its adoption by the Convention, prevailed.

Tuesday, April 20, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider the first report of the Committee on Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions,

Mr. Gilchrist in the chair.

Mr. Bradford moved to reconsider the votes by which the amendments of Messrs. Biggs and Spruance to Section 2 were lost yesterday,

Which motion Prevailed.

Recurring to Mr. Biggs' motion to amend Section 2 by striking out all between the words "of whom" in line eleven and to and including the word "thereof" in line fifteen, and inserting in lieu thereof the words "one of whom shall be elected from each of the Representative Districts by the qualified electors thereof,"

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Cannon, Carlisle, Cavender, Cooch, Cooper, Dasey, Donahoe, Evans, Gilchrist, Harman, Hering, Murray, Pratt, Richards, Sapp, Wright.

Nays—Messrs. Bradford, Clark, Ellegood, Hearne, Martin, Moore, Saulsbury, Spruance.

Yeas, 17; nays, 8.

So the question was decided in the affirmative, and the motion prevailed.

Motion to adopt as amended line ten from the word "election" to and including the word "thereof" in line sixteen, prevailed.

Mr. Carlisle moved to adopt from the word "thereof" in line sixteen to and including the word "election" in line nineteen.

Mr. Cooper moved to strike out of line eighteen the word "March" and insert in lieu thereof the word "December."

Mr. Bradford moved to amend Mr. Cooper's motion by striking out the word "December" and inserting in lieu thereof the word "September,"

Which motion Prevailed.

Motion to substitute the word "September" for the word "March" in line eighteen, prevailed.

The paragraph, as amended, was then adopted.

Mr. Carlisle moved to adopt from the word "election" in line nineteen to and including the word "members" in line twenty-nine.

Mr. Bradford moved to strike out the word "the" end of line twenty,

Which motion Prevailed.

The paragraph, as amended, was then adopted.

Mr. Carlisle moved to adopt the remainder of Section 2, beginning with the word "in" in line twenty-nine.

Mr. Bradford moved to strike out all of the section after the word "members" in line twenty-nine and insert in lieu thereof the following: "In case of vacancy by death, resignation or other cause in the office of delegate from any district, such vacancy shall be filled by a vote of the delegates chosen from the other districts of the county including the district where such vacancy exists."

Mr. Cooch moved to amend Mr. Bradford's motion by striking out all after the words "vote of the" and inserting in lieu thereof the following: "Qualified electors where such vacancy exists."

Mr. Spruance moved as a substitute for Mr. Cooch's

motion the following: "In case of vacancy by death, resignation or other cause in the office of delegate from any district, such vacancy shall be filled by the qualified electors of such district, at a special election to be called by the Governor for that purpose."

Accepted by Mr. Cooch.

Motion to adopt the substitute for Mr. Cooch's motion, prevailed.

Motion to adopt Mr. Bradford's motion, as amended by the substitute for Mr. Cooch's motion, prevailed.

Motion to adopt the paragraph, as amended, prevailed.

Motion to adopt, as amended, Section 2, as follows:

Section 2. The General Assembly may, from time to time, provide by law for the submitting to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide by law for the election of delegates to such Convention at the next general election. Such Convention shall be composed of thirty-five delegates, one of whom shall be elected from each of the Representative Districts by the qualified electors thereof. The delegates so elected shall convene at the Capital of the State on the first Tuesday in September next after their election. Every delegate shall receive for his services the same compensation as shall then be payable to members of the General Assembly. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have the power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members. In case of vacancy by death, resignation or other cause in the office of delegate from any district, such vacancy shall be filled

by the qualified electors of such district at a special election to be called by the Governor for that purpose.

The motion Prevailed.

Mr. Carlisle moved to adopt Section 3, as follows:

Section 3. The General Assembly shall provide by law for receiving, tallying and counting the votes for or against proposed amendments to the Constitution, and for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also by law enact all provisions necessary for giving effect to this Article.

The motion Prevailed.

Mr. Carlisle moved to adopt Section 4, as follows:

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article shall require for its validity the approval of the Governor, and the same shall be exempt from the provisions of Section 21 of Article III of this Constitution.

Mr. Saulsbury moved to insert in line two between the words "of" and "this" the words "Section 1 of."

Motion to rise, report progress and ask leave to sit again, prevailed.

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Same Day, 2.05 o'clock, p. m.

The Committee of the Whole met to further consider the first report of the Committee on Alterations and Amendments of the Constitution and the Calling of Constitutional Conventions,

Mr. Gilchrist in the chair.

By unanimous consent Mr. Saulsbury was allowed to withdraw his motion to amend Section 4.

Mr. Saulsbury moved to insert in line three between the words "Article" and "shall" the following: "except a bill or resolution providing for the submitting to the qualified electors of the State the question, 'Shall there be a Convention to revise the Constitution and amend the same?' "

The motion Prevailed.

Motion to adopt, as amended, Section 4, as follows:

Section 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article, except a bill or resolution providing for the submitting to the qualified electors of the State the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall require for its validity the approval of the Governor, and the same shall be exempt from the provisions of Section 21 of Article III of this Constitution.

The motion Prevailed.

Mr. Martin moved to adopt Section 5, as follows:

Section 5. In voting at any general election, upon proposed amendments to the Constitution, or upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots so cast.

Mr. Martin moved to strike out of line seven the words "so cast."

The motion Prevailed.

Motion to adopt, as amended, Section 5, as follows:

Section 5. In voting at any general election, upon proposed amendments to the Constitution, or upon the question, "Shall there be a Convention to revise the Constitution and amend the same?" the ballots shall be separate from those cast

for any person voted for at such election, and shall be kept distinct and apart from all other ballots.

The motion Prevailed.

Mr. Cooper moved to reconsider the vote by which Section 2 was adopted,

Which motion Prevailed.

Mr. Cooper moved to insert in line twenty between the words "same" and "compensation" the words "per diem."

Mr. Spruance moved to amend Mr. Cooper's motion by striking out of lines twenty and twenty-one the words "the same compensation as shall then be payable to the members of the General Assembly" and inserting in lieu thereof the words "such compensation as shall be provided by the law."

The motion Prevailed.

Recurring to Mr. Cooper's motion as amended, it prevailed.

Motion to re-adopt, as amended, Section 2, prevailed.

Motion to rise, report the adoption of the report with sundry amendments and recommend its adoption by the Convention, prevailed.

Same Day, 2.36 o'clock, p. m.

The Committee of the Whole met to consider Section 4 of the second report of the Committee on Corporations as amended and adopted in the Committee of the Whole,

Mr. Dasey in the chair.

Mr. Bradford moved to reconsider the vote by which Section 4 was adopted.

The motion Prevailed.

Mr. Bradford moved to adopt Section 4.

The motion Was Lost.

Motion to rise, report that Section 4 has been stricken out, prevailed.

Same Day, 2.46 o'clock, p. m.

The Committee of the Whole met to consider Section 2 of the first and second reports of the Committee on Education and for the purpose of adding thereto,

Mr. Martin in the chair.

Mr. Coooper moved to add to Section 2 the following: "All local contingent expenses, expenses for school buildings and otherwise necessary for the maintenance of schools shall be paid by the district incurring the same, as the General Assembly may provide."

Mr. Bradford moved to substitute the following for Mr. Cooper's proposed amendment:

"All other expenses connected with the erection and repair of public school buildings and maintenance of public schools shall be defrayed in such manner as shall be provided by the General Assembly."

Accepted by Mr. Cooper.

Motion to adopt the substitute for Mr. Cooper's motion, prevailed.

Motion to rise, report that an addition had been made to Section 2 and recommend its addition by the Convention, prevailed.

Tuesday, May 4, 1897.
10.44 o'clock, a. m.

The Committee of the Whole met to consider the reports of the Committee on the Legislature districting the State.

Mr. Evans in the chair.

The Committee of the Whole proceeded to consider the following reports:

REPORT FOR NEW CASTLE COUNTY.

REPRESENTATIVE DISTRICTS

No. 1. All that portion of the City of Wilmington included within the Second Ward and the Fourth Ward, as their respective limits now exist or shall hereafter be extended, and that part of the Sixth and Eighth Wards, as their respective limits now exist or shall hereafter be extended, lying south of and bounded by the central line of Eighth street, as the same now exists or shall hereafter be extended.

No. 2. All that portion of the said city included in the Ninth Ward, as its limits now exist or shall hereafter be extended, and that part of the Sixth and Eighth Wards, as their respective limits now exist or shall hereafter be extended, lying north of and bounded by the central line of Eighth street, as the same now exists or shall hereafter be extended.

No. 3. All that portion of the said city included in the Seventh Ward, as its limits now exist or shall hereafter be extended, and that part of the Fifth Ward, as its limits now exist or may hereafter be extended, lying north of and bounded by the central line of Eighth street, as the same now exists or shall hereafter be extended.

No. 4. All that portion of the said city included in the First and Third Wards, as their respective limits now exist or shall hereafter be extended, and that part of the Fifth Ward lying south of and bounded by the central line of Eighth street, as the same now exists, east of and bounded by the central line of Adams street, as the same now exists, and west of and bounded by the central line of Market street, as the same now exists.

No. 5. All that portion of the said city included within the Tenth Ward, as its limits now exist, the Eleventh and Twelfth Wards, as their respective limits now exist or shall hereafter be extended, and that part of the Fifth Ward, as its limits now exist or shall hereafter be extended, lying south of and bounded by a straight line including the central line of Eighth street, as the same now exists or shall hereafter be extended, west of and bounded by the central line of Adams street, as the same now exists, and the westerly boundary of the said city, as the same now exists or shall hereafter be extended.

No. 6. All of Brandywine Hundred, as its limits now exist or shall be changed by the extension of the limits of the City of Wilmington.

No. 7. All of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of said city.

No. 8. All of Mill Creek Hundred, as its limits now exist.

No. 9. All of White Clay Creek Hundred, as its limits now exist.

No. 10. All of New Castle Hundred, as its limits now exist or shall be changed by the extension of the limits of said city.

No. 11. All of Pencader Hundred, as its limits now exist.

No. 12. All of Red Lion Hundred, as its limits now exist.

No. 13. All of St. Georges Hundred, as its limits now exist.

No. 14. All of Appoquinimink Hundred, as its limits now exist.

No. 15. All of Blackbird Hundred, as its limits now exist.

SENATORIAL DISTRICTS.

No. 1. All that portion of the City of Wilmington, as its limits now are or shall hereafter be extended, lying to the north and bounded by a straight line including the central line of Eighth street extending from the Delaware River to the westerly boundary of said city, as the said boundary now is or shall hereafter be extended.

No. 2. All that portion of the said city, as its limits now are or shall hereafter be extended, lying to the south of and bounded by the straight line aforesaid including the central line of Eighth street.

No. 3. All of Brandywine Hundred, as its limits now exist or shall be changed by the extension of the City of Wilmington, together with all that portion of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of said city, lying northeasterly of and bounded by the central line of the Wilmington and Kennett Turnpike Road.

No. 4. All of Mill Creek Hundred, as its limits now exist, together with all that portion of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of the said city, lying southwesterly of and bounded by the central line of the said Kennett Turnpike Road.

No. 5. All of White Clay Creek Hundred and Red Lion Hundred, as their respective limits now exist, and New Castle Hundred, as its limist now exist or may hereafter be changed by the extension of the City of Wilmington.

No. 6. All of Pencader Hundred and St. Georges Hundred, as their respective limits now exist.

No. 7. All of Appoquinimink Hundred and Blackbird Hundred, as their respective limits now exist.

REPORT FOR KENT COUNTY.

In Kent county ten Representative Districts, numbers sixteen to twenty-five inclusive, as follows:

District number sixteen shall consist of Duck Creek Hundred.

District number seventeen shall consist of Little Creek Hundred and the First Election District of East Dover Hundred.

District number eighteen shall consist of Kenton Hundred.

District number nineteen shall consist of West Dover Hundred and that portion of East Dover Hundred lying next to West Dover Hundred and separated from the rest of East Dover Hundred by the following boundary lines: beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along with the middle of the said road to its point of intersection with the Horsehead road, thence running in a westerly direction along with the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazlettville, known as the Hazlettville road, thence running along with the middle of the said short road from the Horsehead road to the said Hazlettville road, thence running in a westerly direction along with the middle of the said Hazlettville road a short distance to the road leading therefrom to Wyoming, thence running along with the middle of the said road leading from the said Hazlettville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred.

District number twenty shall consist of all that portion of East Dover Hundred not included in Districts number seventeen and nineteen.

District number twenty-one shall consist of parts of North Murderkill, South Murderkill and Mispillion Hundreds and be included within the following boundary lines: Beginning at the intersection of the southern line of South Murderkill

Hundred with the State of Maryland, thence running along with the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along with the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direction along with the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along with the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along with the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along with the middle of said Dorman street to Brown's Branch, thence running in an easterly direction along with the course of said branch to the Delaware railroad, thence running in a northerly direction along with said Delaware railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northeasterly direction to the public road leading from Felton to Whiteleysburg, thence running in a northeasterly direction along with the middle of the said public road from Felton to Whiteleysburg to the Owl's Nest road, thence running in a northerly direction along with the middle of the said Owl's Nest road to the intersection of the Cowgill road from Woodside to Petersburg, thence running in a northeasterly direction along with the middle of the said Cowgill road to the Reed road running from Woodside to DuPont's school house, thence running a northwesterly direction along with the middle of the said Reed road to DuPont's school house, thence running in a northerly direction along with the middle of the public road leading from Willow Grove to Camden a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along with the middle of the public road leading from DuPont's school house to the Almshouse to Gray's corner, thence continuing in a direct

westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the State of Maryland, thence running in a southerly direction along with the eastern boundary line of the State of Maryland to the place of beginning.

District number twenty-two shall consist of all that portion of North Murderkill Hundred not included in District number twenty-one.

District number twenty-three shall consist of all that portion of South Murderkill Hundred not included in District number twenty-one.

District number twenty-four shall consist of all that portion Mispillion Hundred not included in District number twenty-one.

District number twenty-five shall consist of Milford Hundred.

In Kent county five Senatorial Districts, numbers eight to twelve inclusive, as follows:

District number eight shall consist of the sixteenth and seventeenth Representative Districts.

District number nine shall consist of the eighteenth and nineteenth Representative Districts.

District number ten shall consist of the twentieth and twenty-second Representative Districts.

District number eleven shall consist of the twenty-first and twenty-fourth Representative Districts.

District number twelve shall consist of the twenty-third and twenty-fifth Representative Districts.

REPORTS FOR SUSSEX COUNTY.

REPRESENTATIVE DISTRICTS.

No. 26. Cedar Creek Hundred.

No. 27. Broadkiln Hundred.

No. 28. Nanticoke Hundred and North West Fork Hundred.

No. 29. Seaford Hundred.

No. 30. Little Creek Hundred.

No. 31. Broad Creek Hundred.

No. 32. Gumboro Hundred and Dagsboro Hundred.

No. 33. Baltimore Hundred.

No. 34. Georgetown Hundred.

No. 35. Indian River Hundred and Lewes and Rehoboth Hundred.

SENATORIAL DISTRICTS.

No. 13. Cedar Creek Hundred and Broadkiln Hundred.

No. 14. Nanticoke Hundred, North West Fork Hundred and Seaford Hundred.

No. 15. Little Creek Hundred and Broad Creek Hundred.

No. 16. Gumboro Hundred, Dagsboro Hundred and Baltimore Hundred.

No. 17. Georgetown Hundred, Indian River Hundred and Lewes and Rehoboth Hundred.

Second report.

REPRESENTATIVE DISTRICTS.

No. 26. Cedar Creek Hundred.

No. 27. North West Fork Hundred and North Nanticoke Hundred.

No. 28. Georgetown Hundred.

No. 29. Broadkiln Hundred and Lewes and Rehoboth Hundred.

No. 30. Indian River Hundred and Baltimore Hundred.

No. 31. Dagsboro Hundred.

No. 32. East Broad Creek Hundred and Gumboro Hundred.

No. 33. Little Creek Hundred.

No. 34. Seaford Hundred.

No. 35. West Broad Creek Hundred and South Nanticoke Hundred.

SENATORIAL DISTRICTS.

No. 13. Cedar Creek Hundred, North West Fork Hundred and North Nanticoke Hundred.

No. 14. Georgetown Hundred, Broadkiln Hundred and Lewes and Rehoboth Hundred.

No. 15. Dagsboro Hundred, Indian River Hundred and Baltimore Hundred.

No. 16. Little Creek Hundred, East Broad Creek Hundred and Gumboro Hundred.

No. 17. Seaford Hundred, West Broad Creek Hundred and South Nanticoke Hundred.

Nanticoke Hundred divided north and south by Gravelly Branch.

Broad Creek Hundred divided east and west by the county road leading from Concord to Laurel.

SUPPLEMENTARY REPORT FOR NEW CASTLE COUNTY.

All territory which shall hereafter be added to and included within the City of Wilmington, as the limits thereof shall be extended, shall be added to and become part of the said Representative Districts, as follows:

All lying east of a straight line including the central line of Market street, below Eighth street, as the said two streets now exist, and south of a straight line including the central line of Eighth street, as the same now exists, shall become part of Representative District No. 1.

All lying north of a straight line including the central line of Eighth street, as the same now exists, extending from the northeasterly side of Brandywine Creek to the Delaware River, or north of the Brandywine Creek, westerly from the point of intersection of the said straight line with the northeasterly side of the said creek, shall become part of Representative District No. 2.

All lying north of a straight line including the central line of Eighth street, as the same now exists, south of the Brandywine Creek, and west of the central line of Market street, as the same now exists, shall become part of Representative District No. 3.

All lying between a straight line including the central line of Market street extended southerly and a straight line including the central line of Washington street extended southerly shall become part of Representative District No. 4.

All lying south of a straight line including the central line of Eighth street, as the same now exists, and west of a straight line including the central line of Washington street, as the same now exists, shall become part of Representative District No. 5.

In case of any change in the boundary line between this State and the State of Pennsylvania, the said Senatorial and Representative Districts shall conform to any new boundary line between the said States.

Mr. Richards moved to consider that report districting New Castle county,

Which motion Prevailed.

Mr. Richards moved to consider that part of the report fixing the Representative Districts of New Castle county,

Which motion Prevailed.

Mr. Cooch moved to adopt Nos. 1, 2, 3, 4, 5, 6, as follows:

No. 1. All that portion of the City of Wilmington included within the Second Ward and the Fourth Ward, as their respective limits now exist, and that part of the Sixth and Eighth Wards, as their respective limits now exist, lying south of and bounded by the central line of Eighth street, as the same now exists.

No. 2. All that portion of the said city included in the Ninth Ward, as its limits now exist, and that part of the Sixth and Eighth Wards, as their respective limits now exist, lying north of and bounded by the central line of Eighth street, as the same now exists.

No. 3. All that portion of the said city included within the Seventh Ward, as its limits now exist, and that part of the Fifth Ward, as its limits now exist, lying north of and bounded by a straight line including the central line of Eighth street, as the same now exists.

No. 4. All that portion of the said city included within the First and Third Wards, as their respective limits now exist, and that part of the Fifth Ward lying south of and bounded by the central line of Eighth street, as the same now exists, east of and bounded by the central line of Adams street, as the same now exists, and west of and bounded by the central line of Market street, as the same now exists.

No. 5. All that portion of the said city included within the Tenth, the Eleventh and Twelfth Wards, as their respective limits now exist, and that part of the Fifth Ward, as its limits now exist, lying south of and bounded by a straight line including the central line of Eighth street, as the same now exists, west of and bounded by the central line of Adams street,

as the same now exists, and the westerly boundary line of the said city, as the same now exists.

No. 6. All of Brandywine Hundred, as its limits now exist or shall be changed by the extension of the limits of the City of Wilmington.

The motion Prevailed.

Mr. Cooch moved to adopt from No. 7 inclusive, to No. 15 inclusive, as follows:

No. 7. All of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of said city.

No. 8. All of Mill Creek Hundred, as its limits now exist.

No. 9. All of White Clay Creek Hundred, as its limits now exist.

No. 10. All of New Castle Hundred, as its limits now exist or shall be changed by the extension of the limits of said city.

No. 11. All of Pencader Hundred, as its limits now exist.

No. 12. All of Red Lion Hundred, as its limits now exist.

No. 13. All of St. Georges Hundred, as its limits now exist.

No. 14. All of Appoquinimink Hundred, as its limits now exist.

No. 15. All of Blackbird Hundred, as its limits now exist.

The motion Prevailed.

Mr. Cooch moved to adopt that part of the report fixing the Senatorial Districts, as follows:

No. 1. All that portion of the City of Wilmington, as its limits now exist or shall hereafter be extended, lying to the north of and bounded by a straight line including the central line of Eighth street extending from the Delaware River to the

westerly boundary of said city, as the said boundary now exists or shall hereafter be extended.

No. 2. All that portion of the said city, as its limits now exists or shall hereafter be extended, lying to the south of and bounded by the straight line aforesaid including the central line of Eighth street.

No. 3. All of Brandywine Hundred, as its limits now exist or shall be changed by the extension of the City of Wilmington, together with that portion of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of said city, lying north of and bounded by the central line of the Lancaster Turnpike.

No. 4. All of Mill Creek Hundred, as its limits now exist, together with all that portion of Christiana Hundred, as its limits now exist or shall be changed by the extension of the limits of said city, lying south of and bounded by the central line of the said Lancaster Turnpike.

No. 5. All of White Clay Creek Hundred and Red Lion Hundred, as their respective limits now exist, and New Castle Hundred, as its limits now exist or shall hereafter be changed by the extension of the City of Wilmington.

No. 6. All of Pencader Hundred and St. Georges Hundred, as their respective limits now exist.

No. 7. All of Appoquinimink Hundred and Blackbird Hundred, as their respective limits now exist.

The motion Prevailed.

Mr. Cooch moved to adopt the supplementary report, as follows:

All territory which shall hereafter be added to and included within the City of Wilmington, as the limits thereof shall be extended, shall be added to and become part of the said Representative Districts, as follows:

All lying east of a straight line including the central line of Market street, below Eighth street, as the said two streets

now exist, and south of a straight line including the central line of Eighth street, as the same now exists, shall become part of Representative District No. 1.

All lying north of a straight line including the central line of Eighth street, as the same now exists, extending from the northeasterly side of Brandywine Creek to the Delaware River, or north of the Brandywine Creek, westerly from the point of intersection of the said straight line with the northeasterly side of the said creek, shall become part of Representative District No. 2.

All lying north of a straight line including the central line of Eighth street, as the same now exists, south of the Brandywine Creek, and west of the central line of Market street, as the same now exists, shall become part of Representative District No. 3.

All lying between a straight line including the central line of Market street extended southerly and a straight line including the central line of Washington street extended southerly shall become part of Representative District No. 4.

All lying south of a straight line including the central line of Eighth street, as the same now exists, and west of a straight line including the central line of Washington street, as the same now exists, shall become part of Representative District No. 5.

In case of any change in the boundary line between this State and the State of Pennsylvania, the said Senatorial and Representative Districts shall conform to any new boundary line between the said States.

The motion Prevailed.

Mr. Richards moved to consider that part of the report fixing the Representative Districts for Kent county,

Which motion Was Withdrawn.

Mr. Richards moved to consider this report at 2.30 o'clock p. m., to-day.

Mr. Cavender moved to amend by making it 10.30 o'clock, a. m., to-morrow.

By unanimous consent these motions were withdrawn.

Motion to rise, report progress and ask leave to sit again, prevailed.

———

Same Day, 2.45 o'clock, p. m.

The Committee of the Whole met to consider two reports of the Sub-Committee of the Committee on the Legislature on districting Sussex county,

Mr. Evans in the chair.

Mr. Richards moved to consider the reports of the Sub-Committee of the Committee on the Legislature on districting Sussex county,

Which motion Prevailed.

Mr. Hearne offered the following as a substitute for the two reports of the Sub-Committee on the Legislature on districting Sussex county, and moved its adoption.

REPRESENTATIVE DISTRICTS FOR SUSSEX COUNTY.

In Sussex county, ten Representative Districts, numbers twenty-six to thirty-five inclusive, as follows:

District Number Twenty-six shall consist of Cedar Creek Hundred, as its boundary lines now exist.

District Number Twenty-seven shall consist of that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, the boundrary lines of the said hundred to remain as they now are and the said Gravelly Branch, beginning at a point where it intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a south-

west course to what was formerly known as "Rest's Old Mill," thence to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond; together with North West Fork Hundred, as its boundary lines now exist.

District Number Twenty-eight shall consist of that portion of Nanticoke Hundred which lies south and west of said Gravelly Branch, the boundary lines of the said hundred to remain as they now are, and the said Gravelly Branch, beginning at a point where it intersects the dividing line between Nanticoke and Georgetown Hundreds, and running in a southwest course to what was formerly known as "Rest's Old Mill," thence to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond; together with Seaford Hundred, as its boundary lines now exist.

District Number Twenty-nine shall consist of Broad Creek Hundred, as its boundary lines now exist.

District Number Thirty shall consist of Little Creek Hundred, as its boundary lines now exist.

District Number Thirty-one shall consist of Gumboro and Dagsboro Hundreds, as their respective boundary lines now exist.

District Number Thirty-two shall consist of Baltimore Hundred, as its boundary lines now exist.

District Number Thirty-three shall consist of Indian River Hundred, as its boundary lines now exist.

District Number Thirty-four shall consist of Georgetown Hundred, as its boundary lines now exist.

District Number Thirty-five shall consist of Broadkiln and Lewes and Rehoboth Hundreds, as their respective boundary lines now exist.

SENATORIAL DISTRICTS FOR SUSSEX COUNTY.

In Sussex county five Senatorial Districts, numbers thirteen to seventeen inclusive, as follows:

District Number Thirteen shall consist of Representative Districts numbers twenty-six and twenty-seven.

District Number Fourteen shall consist of Representative Districts numbers twenty-eight and twenty-nine.

District Number Fifteen shall consist of Representative Districts numbers thirty and thirty-one.

District Number Sixteen shall consist of Representative Districts numbers thirty-two and thirty-three.

District Number Seventeen shall consist of Representative Districts numbers thirty-four and thirty-five.

Mr. Martin moved to adopt the following report:

SENATORIAL DISTRICTS.

The districts being composed of the following hundreds as they now exist:

No. 13. Cedar Creek and North West Fork Hundreds, and Nanticoke Hundred north of Gravelly Branch.

No. 14. Georgetown, Broadkiln and Lewes and Rehoboth Hundreds.

No. 15. Indian River, Baltimore and Dagsboro Hundreds.

No. 16. Little Creek and Gumboro Hundreds, and Broad Creek Hundred, east of the public road leading from Concord to Laurel.

No. 17. Seaford Hundred, Nanticoke Hundred south of Gravelly Branch, Broad Creek west of the public road leading from Concord to Laurel.

REPRESENTATIVE DISTRICTS.

The districts being composed of the following hundreds as they now exist:

No. 26. Cedar Creek.

No. 27. North West Fork Hundred, Nanticoke Hundred.

No. 28. Georgetown.

No. 29. Broadkiln and Lewes and Rehoboth Hundreds.

No. 30. Indian River and Baltimore Hundreds.

No. 31. Dagsboro Hundred.

No. 32. Little Creek Hundred.

No. 33. Gumboro Hundred, and Broad Creek Hundred east of the public road leading from Concord to Laurel.

No. 34. Seaford Hundred.

No. 35. Nanticoke Hundred south of Gravelly Branch, and Broad Creek Hundred west of the public road leading from Concord to Laurel.

The motion Was Lost.

Recurring to Mr. Hearne's motion,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Cannon, Carlisle, Clark, Cooch, Cooper, Dasey, Evans, Gilchrist, Hearne, Hering, Johnson, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright.

Nays—Messrs. Donahoe, Martin.

Messrs. Ellegood and Horsey were paired.

Yeas, 22; nays, 2; paired, 2.

So the question was decided in the affirmative, and the motion prevailed.

Mr. Richards moved to adopt the report as a whole, as follows:

REPRESENTATIVE DISTRICTS FOR SUSSEX COUNTY.

In Sussex county, ten Representative Districts, numbers twenty-six to thirty-five inclusive, as follows:

District number twenty-six shall consist of Cedar Creek Hundred, as its boundary lines now exist.

District number twenty-seven shall consist of that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, the boundary lines of the said hundred to remain as they now are and the said Gravelly Branch, beginning at a point where it intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a southwest course to what was formerly known as "Rest's Old Mill," thence to what was formerly known as Collins' Mills, to its mouth the head of Middleford Mill Pond; together with North West Fork Hundred, as its boundary lines now exist.

District number twenty-eight shall consist of that portion of Nanticoke Hundred which lies south and west of said Gravelly Branch, the boundary lines of the said hundred to remain as they now are, and the said Gravelly Branch, beginning at a point where it intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwest course to what was formerly known as "Rest's Old Mill," thence to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond; together with Seaford Hundred, as its boundary lines now exist.

District number twenty-nine shall consist of Broad Creek Hundred, as its boundary lines now exist.

District number thirty shall consist of Little Creek Hundred, as its boundary lines now exist.

District number thirty-one shall consist of Gumboro and Dagsboro Hundreds, as their respective boundary lines now exist.

District number thirty-two shall consist of Baltimore Hundred, as its boundary lines now exist.

District number thirty-three shall consist of Indian River Hundred, as its boundary lines now exist.

District number thirty-four shall consist of Georgetown Hundred, as its boundary lines now exist.

District number thirty-five shall consist of Broadkiln and Lewes and Rehoboth Hundreds, as their respective boundary lines now exist.

SENATORIAL DISTRICTS FOR SUSSEX COUNTY.

In Sussex County five Senatorial Districts, numbers thirteen to seventeen inclusive, as follows:

District number thirteen shall consist of Representative Districts numbers twenty-six and twenty-seven.

District number fourteen shall consist of Representative Districts numbers twenty-eight and twenty-nine.

District number fifteen shall consist of Representative Districts numbers thirty and thirty-one.

District number sixteen shall consist of Representative Districts numbers thirty-two and thirty-three.

District number seventeen shall consist of Representative Districts numbers thirty-four and thirty-five.

The motion Prevailed.

Mr. Clark moved to consider the report of the Sub-Committee of the Committee on the Legislature on districting Kent county,

Which motion Prevailed.

Mr. Saulsbury moved to strike out of line eighteen the words "its point of intersection with,"

Which motion Prevailed.

Mr. Saulsbury moved to insert in line thirty-six the word "of" between the words "consist" and "with,"

Which motion Prevailed.

Mr. Richards moved to adopt, as amended, the report, as follows:

In Kent county ten Representative Districts, numbers sixteen to twenty-five inclusive, as follows:

District number sixteen shall consist of Duck Creek Hundred.

District number seventeen shall consist of Little Creek Hundred and the First Election District of East Dover Hundred.

District number eighteen shall consist of Kenton Hundred.

District number nineteen shall consist of West Dover Hundred and that portion of East Dover Hundred lying next to West Dover Hundred and separated from the rest of East Dover Hundred by the following boundary lines: beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along with the middle of the said road to the Horsehead road, thence running in a westerly direction along with the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazlettville, known as the Hazlettville road, thence running along with the middle of the said short road from the Horsehead road to the said Hazlettville road, thence running in a westerly direction along with the middle of the said Hazlettville road a short distance to the road leading therefrom to Wyoming, thence running along with the middle of the said road leading from the said Hazlettville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred.

District number twenty shall consist of all that portion of East Dover Hundred not included in Districts numbers seventeen and nineteen.

District number twenty-one shall consist of parts of North Murderkill, South Murderkill and Mispillion Hundreds and be included within the following boundary lines: Beginning at the intersection of the southern line of South Murderkill Hundred with the State of Maryland, thence running along with the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along with the middle of said public road to the public road leading from Masten's Corner to Vernon, at or

near White's Church, thence running in a northeasterly direction along with the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along with the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along with the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along with the middle of said Dorman street to Brown's Branch, thence running in an easterly direction along with the course of said branch to the Delaware railroad, thence running in a northerly direction along with said Delaware railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northeasterly direction to the public road leading from Felton to Whiteleysburg, thence running in a northeasterly direction along with the middle of the said public road from Felton to Whiteleysburg to the Owl's Nest road, thence running in a northerly direction along with the middle of the said Owl's Nest road to the intersection of the Cowgill road from Woodside to Petersburg, thence running in a northeasterly direction along with the middle of the said Cowgill road to the Reed road running from Woodside to DuPont's school house, thence running a northwesterly direction along with the middle of the said Reed road to DuPont's school house, thence running in a northerly direction along with the middle of the public road leading from Willow Grove to Camden a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along with the middle of the public road leading from DuPont's school house to the Almshouse to Gray's corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the State of Maryland, thence running in a southerly direction along with the eastern boundary line of the State of Maryland to the place of beginning.

District number twenty-two shall consist of all that portion of North Murderkill Hundred not included in District number twenty-one.

District number twenty-three shall consist of all that portion of South Murderkill Hundred not included in District number twenty-one.

District number twenty-four shall consist of all that portion Mispillion Hundred not included in District number twenty-one.

District number twenty-five shall consist of Milford Hundred.

In Kent county five Senatorial Districts, numbers eight to twelve inclusive, as follows:

District number eight shall consist of the sixteenth and seventeenth Representative Districts.

District number nine shall consist of the eighteenth and nineteenth Representative Districts.

District number ten shall consist of the twentieth and twenty-second Representative Districts.

District number eleven shall consist of the twenty-first and twenty-fourth Representative Districts.

District number twelve shall consist of the twenty-third and twenty-fifth Representative Districts.

The motion Prevailed.

Mr. Cavender moved that the districts be numbered by the county, instead of by the State,

Which motion Prevailed.

Motion to rise and report action to the Convention, prevailed.

Same Day, 4.25 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Phraseology and Arrangement,

Mr. Evans in the chair.

The Committee of the Whole proceeded to consider the following report:

Second report of the Committee on Phraseology and Arrangement.

The Committee on Phraseology and Arrangement recommends the following amendments:

1. Strike out Section 19 of the first report of the Committee on the Legislature and Section 2 of the fourth report of the said committee (Article II, Section 14) and substitute in lieu thereof the following:

Section 14. The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be fixed by law and be paid out of the treasury of the State. No law varying such compensation shall take effect until after a general election shall have been held since its enactment.

2. Strike out all of Section 18 of the first report of the Committee on the Legislature (Article II, Section 15) after the word "title" in the third line thereof.

3. Insert after the words "Chief Justice," in line ten of Section 4, of the third report of the Committee on Governor, &c., (Article III, Section 4) the following:

"or in case of his absence or disability, the Chancellor."

4. Strike out Section 6 of the third report of the Committee on the Governor, &c., (Article III, Section 6).

5. Strike out lines twenty-three, twenty-four, twenty-five and twenty-six of Section 11 of the third report of the Com-

mittee on the Governor, &c. (Article III, Section 11) and substitute in lieu thereof the following:

Unless herein otherwise provided, confirmation by the Senate of officers appointed by the Governor shall be required only where the salary, fees and emoluments of office shall exceed the sum of five hundred dollars annually.

6. Amend Section 12 of the third report of the Committee on the Governor, &c. (Article III, Section 12), by striking out the words "three-fifths" in line two thereof, and inserting the words "a majority," and by striking out the words "Governor's continuance in office, if he shall so long behave himself well," in lines four and five thereof, and inserting the words "pleasure of the Governor."

7. Insert after the words "United States" in line nine of Section 13 of the third report of the Committee on Governor, &c. (Article III, Section 13) the following:

Except officers usually appointed by the courts of justice respectively and attorneys-at-law.

8. Strike out of Section 22 of the third report of the Committee on the Governor, &c. (Article III, Section 21) the words:

"or as Governor during a temporary disability of the Governor."

9. Amend Section 23 of the third report of the Committee on the Governor, &c. (Article III, Section 22) by adding at the beginning of the said section the following:

"In case the person elected Governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or."

And by striking out the words "failure to qualify" wherever they occur in the said section.

10. Amend Section 2 of the first and second reports of the Committee on Education (Article X, Section 2) by striking

out of said section all after the word "apportionment" in line fourteen and before the word "provided" in lines sixteen and seventeen; and by striking out all of said section after the word "maintained" in line nineteen.

11. Amend Section 4 of the second report of the Committee on the Judiciary (Article IV, Section 4) by striking out of lines four and five the words "three thousand dollars,," and inserting the following:

"thirty-five hundred dollars for the Chancellor and Chief Justice respectively, nor less than three thousand dollars for the Associate Judges respectively."

Add the following sections under the appropriate heads:

(a) Section —. The Chancellor may, from time to time, appoint a Master in Chancery, who shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant restraining orders and preliminary injunctions, pursuant to the rules of the Court of Chancery.

(b) Section —. No law shall extend the term of any public officer, or diminish his salary or emoluments, after his election or appointment.

(c) Section —. All public officers shall hold their respective offices until their successors shall be duly qualified, except in cases herein otherwise provided.

(d) Section —. The General Assembly shall meet and sit in Dover, the Capital of the State; provided, however, that in case of insurrection, conflagration or epidemic disease, the General Assembly may temporarily meet and sit elsewhere.

EDWARD G. BRADFORD,
W. C. SPRUANCE,
JAMES B. GILCHRIST,
EDWARD D. HEARNE,
ROBERT W. DASEY,
J. WILKINS COOCH,
WM. SAULSBURY,
PARIS T. CARLISLE, JR.

Mr. Spruance moved to adopt paragraph 1, as follows:

1. Strike out Section 19 of the first report of the Committee on the Legislature and Section 2 of the fourth report of the said committee (Article II, Section 14) and substitute in lieu thereof the following:

Section 14. The compensation of members of the General Assembly and of the Lieutenant Governor as President of the Senate shall be fixed by law and be paid out of the treasury of the State. No law varying such compensation shall take effect until after a general election shall have been held since its enactment.

The motion Was Withdrawn.

Mr. Spruance moved to adopt paragraph 2, as follows:

2. Strike out all of Section 18 of the first report of the Committee on the Legislature (Article II, Section 15) after the word "title" in the third line thereof.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph 3, as follows:

3. Insert after the words "Chief Justice," in line ten of Section 4 of the third report of the Committee on Governor, &c. (Article III, Section 4), the following: "or in case of his absence or disability, the Chancellor."

The motion Prevailed.

Mr. Spruance moved to adopt paragraph 4, as follows:

4. Strike out Section 6 of the third report of the Committee on the Governor, &c. (Article III, Section 6).

The motion Prevailed.

Mr. Spruance moved to adopt paragraph 5, as follows:

5. Strike out lines twenty-three, twenty-four, twenty-five and twenty-six of Section 11 of the third report of the Committee on the Governor, &c. (Article III, Section 11), and substitute in lieu thereof the following:

Unless herein otherwise provided, confirmation by the Senate of officers appointed by the Governor shall be required only where the salary, fees and emoluments of office shall exceed the sum of five hundred dollars annually.

The motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Wewnesday, May 5, 1897.
10.40 o'clock, a. m.

The Committee of the Whole met to consider the second report of the Committee on Phraseology and Arrangement,

Mr. Dasey in the chair.

Mr. Spruance moved to adopt paragraph 6, as follows:

6. Amend Section 12 of the third report of the Committee on the Governor, &c. (Article III, Section 12), by striking out the words "three-fifths" in line two thereof, and inserting the words "a majority," and by striking out the words "Governor's continuance in office, if he shall so long behave himself well," in lines four and five thereof, and inserting the words "pleasure of the Governor."

The motion Prevailed.

Mr. Spruance moved to adopt paragraph 7, as follows:

7. Insert after the words "United States" in line nine of Section 13 of the third report of the Committee on the Governor, &c. (Article III, Section 13), the following:

Except officers usually appointed by the courts of justice respectively and attorneys-at-law.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph 8, as follows:

8. Strike out of Section 22 of the third report of the Committee on the Governor, &c. (Article III, Section 21), the words: "or as Governor during a temporary disability of the Governor."

The motion Prevailed.

Mr. Spruance moved to adopt paragraph 9, as follows:

9. Amend Section 23 of the third report of the Committee on the Governor, &c. (Article III, Section 22), by adding at the beginning of the said section the following:

"In case the person elected Governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or"

And by striking out the words "failure to qualify" wherever they occur in the said section.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph (a).

Mr. Spruance moved to adopt the following for paragraph (a):

Section —. The Chief Justice, or in case of his absence from the State or disability, the Senior Associate Judge, shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant restraining orders and preliminary injunctions pursuant to the rules of the Court of Chancery.

Mr. Saulsbury moved to add at the end of Mr. Spruance's proposed section the following words: "provided that nothing herein contained shall be construed to confer general jurisdiction over the case."

The motion Prevailed.

Motion to adopt Mr. Spruance's substitute, as amended, for paragraph (a), as follows:

Section —. The Chief Justice, or in case of his absence from the State or disability, the Senior Associate Judge, shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant restraining orders and preliminary injunctions pursuant to the rules of the Court of Chancery, provided that nothing herein contained shall be construed to confer general jurisdiction over the case.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph (b), as follows:

(b). Section —. No law shall extend the term of any public officer, or diminish his salary or emoluments, after his election or appointment.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph (c), as follows:

(c). Section —. All public officers shall hold their respective offices uneil their successors shall be duly qualified, except in cases herein otherwise provided.

The motion Prevailed.

Mr. Spruance moved to adopt paragraph (d), as follows:

(d). Section —. The General Assembly shall meet and sit in Dover, the Capital of the State; provided, however, that in case of insurrection, conflagration or epidemic disease, the General Assembly may temporarily meet and sit elsewhere.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Bradford, Burris, Cannon, Cavender, Clark, Cooch, Dasey, Ellegood, Gilchrist, Hearne, Horsey, Johnson, Moore, Murray, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright.

Nays—Messrs. Biggs, Carlisle, Evans, Martin.

Yeas, 20; nays, 4.

So the question was decided in the affirmative, and the motion prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.31 o'clock, p. m.

The Committee of the Whole met to consider the second report of the Committee on Phraseology and Arrangement,

Mr. Dasey in the chair.

Mr. Spruance moved to adopt paragraph 1.

The motion Was Lost.

Mr. Spruance moved to adopt paragraph 10.

Mr. Martin moved to amend the motion by striking out Section 2 of the first and second reports of the Committee on Education.

Mr. Spruance raised the point of order that the motion was not in order, and he was sustained by the chairman.

Recurring to the motion to adopt paragraph 10,

The motion Was Lost.

Mr. Spruance moved to adopt paragraph 11,

Which motion Was Lost.

Motion to rise, report the adoption of this report with certain amendments, prevailed.

Thursday, May 27, 1897.
11.25 o'clock, a. m.

The Committee of the Whole met to consider the Schedule for the proposed Constitution of 1897 as reported by the Committee on Phraseology and Arrangement,

Mr. Martin in the chair.

The Committee of the Whole proceeded to consider the following proposed Schedule, as reported to the Convention by the Committee on Phraseology and Arrangement, and referred to the Committee of the Whole:

SCHEDULE.

That no inconvenience may arise from the amendments of the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, as follows:

Section 1. The President of this Convention, immediately on its adjournment, shall deliver the enrolled copy of this amended Constitution to the Secretary of State, who shall file the same in his office, and cause it to be published three times in two newspapers in each county of the State.

Section 2. This amended Constitution shall take effect on the day of in the year one thousand eight hundred and ninety , for all purposes not otherwise provided.

Section 3. The offices of the present Senators and Representatives shall not be vacated or otherwise affected by this amended Constitution, except that the Senators whose terms do not expire on the day of the next general election shall thereafter represent the districts in which they now reside until the end of the terms for which they were elected.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected from each of the even numbered Senatorial Districts in the State, except district Number Two in New Castle county, district Number Four in Kent county, and district Number Two in Sussex county, a Senator for the term of two years, and from each of the odd numbered Senatorial Districts in the State a Senator for the term of four years.

And thereafter, as the said terms shall from time to time expire, a Senator shall be elected from each of the said Senatorial Districts for the full term of four years.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected in each Representative District in the State one Representative for the term of two years.

Section 4. The terms of Senators and Representatives shall begin on the day next after their election.

Section 5. The first general election under this amended Constitution shall be held on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and ninety-eight.

Section 6. The term of office of the present Governor shall not be vacated, or in anywise affected by this amended Constitution.

Section 7. All persons in office in this State at the time this amended Constitution shall take effect shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

Upon the expiration of the term of any person now in office the vacancy shall be filled in the same manner as is provided in this amended Constitution in case of vacancy happening before the expiration of the term of office.

The successors of all persons holding State and county offices heretofore elective or made elective by this amended

Constitution at the time the same shall take effect shall be elected at the general election next before the first Tuesday in January next after the expiration of their terms of office, except in cases otherwise provided for in this amended Constitution or Schedule.

Section 8. The terms of office of all elective State and county officers shall commence on the first Tuesday in January next after their election, unless otherwise provided in this amended Constitution or Schedule.

Section 9. This Constitution as amended, so far as shall concern the judicial department, shall take effect from and after the day of in the year one thousand eight hundred and ninety . All the courts of justice now existing shall continue with their present jurisdiction, and the Chancellor and judges shall continue in office until the said day of in the year one thousand eight hundred and ninety ; upon which day the said courts shall be abolished, and the offices of the said Chancellor and judges shall expire.

All writs of error, and appeals and proceedings which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Errors and Appeals, and all the books, records and papers of said court, shall be transferred to the Supreme Court established by this amended Constitution; and the said writs of error, appeals and proceedings shall be proceeded in the Supreme Court to final judgment, decree or other determination.

All suits, proceedings, and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Superior Court, and all books, records and papers of the said court, shall be transferred to the Superior Court established by this amended Constitution, and the said suits, proceedings and matters shall be proceeded in to final judgment, or determination, in the said Superior Court established by this amended Constitution.

All indictments, proceedings and matters which, on the

said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of General Sessions of the Peace and Jail Delivery, shall be transferred to and proceeded in to final judgment and determination in the Court of General Sessions established by this amended Constitution, and all books, records and papers of said Court of General Sessions of the Peace and Jail Delivery shall be transferred to the said Court of General Sessions.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Oyer and Terminer, shall be transferred to and proceeded in to final judgment and determination in the Court of Oyer and Terminer established by this amended Constitution, and all books, records and papers of said Court of Oyer and Terminer shall be transferred to the said Court of Oyer and Terminer established by this amended Constitution

All suits, proceedings and matters which, on the said day of , in the year one thousand eight hundred and ninety , shall be depending in the Court of Chancery, or in the Orphans' Court, and all records, books and papers of said courts respectively, shall be transferred to the Court of Chancery or Orphans' Court respectively, established by this amended Constitution; and the suits, proceedings and matters, shall be proceeded in to final decree, order or other determination.

Section 10. Unless otherwise provided, the Registers' Courts and the jurisdiction of Justices of the Peace shall not be affected by this amended Constitution .

Section 11. If the Chancellor, Chief Justice, or any Associate Judge in office at the time this amended Constitution shall take effect shall not be appointed Chancellor, Chief Justice or Associate Judge under this amended Constitution, he shall be entitled to receive one year's compensation, as now provided by law, after the expiration of his term of service.

Section 12. The first biennial Session of the General Assembly under this amended Constitution shall commence on

the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

Section 13. The provisions of Section 15 of Article II of this amended Constitution relating to the amount of the compensation of the members of the General Assembly and the presiding officers of the respective Houses shall not apply to any adjourned, special or extra session of the General Assembly held prior to the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

Section 14. The provision of Section 1 of Article IX of this amended Constitution that "No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law," shall not take effect until the General Assembly shall enact a general law as provided for in said section.

Section 15. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws.

Section 16. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

Done in Convention, the day of , in the year of our Lord one thousand eight hundred and ninety-seven and of the Independence of the United States of America the one hundrd and twenty-second.

In Testimony Whereof, we have hereunto subscribed our names.

Mr. Cooch moved to adopt the Preamble, as follows:

That no inconvenience may arise from the amendments of the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, as follows:

The motion Prevailed.

Mr. Cooch moved to adopt Section 1, as follows:

Section 1. The President of this Convention, immediately on its adjournment, shall deliver the enrolled copy of this amended Constitution to the Secretary of State, who shall file the same in his office and cause it to be published three times in two newspapers in each county of the State.

The motion Prevailed.

Mr. Cooch moved to adopt Section 2, as printed, as follows:

Section 2. This amended Constitution shall take effect on the day of , in the year one thousand eight hundred and ninety , for all purposes not otherwise provided.

The motion Prevailed.

Mr. Cooch moved to adopt Section 3, as follows:

Section 3. The offices of the present Senators and Representatives shall not be vacated or otherwise affected by this amended Constitution, except that the Senators whose terms do not not expire on the day of the next general election shall thereafter represent the districts in which they now reside until the end of the terms for which they were elected.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected from each of the even numbered Senatorial Districts in the State, except District Number Two in New Castle county, District Number Four in Kent county, and District Number Two in Sussex county, a Senator for the term of two years, and from each of the odd numbered Senatorial Districts in the State a Senator for the term of four years.

And thereafter, as the said terms shall from time to time expire, a Senator shall be elected from each of the said Senatorial Districts for the full term of four years.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected in

each Representative District in the State one Representative for the term of two years.

Mr. Cooch moved to strike out lines eight to sixteen inclusive in Section 3 and insert in lieu thereof the following:

At the general election to be held in the year one thousand eight hundred and ninety-eight there shall be elected in the first Senatorial District in New Castle county a Senator for the term of four years. And at the same election there shall be elected in the third, fourth, fifth, sixth and seventh Senatorial Districts in New Castle county, respectively, and in the first, second, third and fifth Senatorial Districts in Kent county, respectively, and in the first, third, fourth and fifth Senatorial Districts in Susex county, respectively, a Senator.

At the first meeting of the General Assembly held after said election, the President of the Senate shall write the names of each of the Senators so elected in the third, fourth, fifth, sixth and seventh Senatorial Districts in New Castle county upon separate strips of paper, and having first rolled and placed the same in a box, and having first shaken the box so as to intermix the ballots, the Clerk of the Senate shall, in open session, draw from the said box the names of two Senators so elected as aforesaid, and the two Senators whose names are so drawn shall serve for the term of two years respectively, from the day of their election and no longer; the other three Senators shall serve for and until the full term of four years from the day of their election and no longer.

And immediately thereafter the President of the Senate shall writes the names of each of the Senators so elected in the first, second, third and fifth Senatorial Districts in Kent county upon separate strips of paper, and in the same manner as aforesaid the name of one Senator so elected as aforesaid from the last named four SenatorialDistricts shall be drawn, and the Senator whose name is so drawn shall serve for the term of two years, from the day of his election and no longer; the other three Senators shall serve for and until the full term of four years from the day of their election and no longer.

And immediately thereafter the President of the Senate shall write the names of each of the Senators so elected in the

first, third, fourth and fifth Senatorial Districts in Sussex county upon separate strips of paper, and in the same manner as aforesaid the name of one Senator so elected as aforesaid from the last named four Senatorial Districts shall be drawn, and the Senator whose name is so drawn shall serve for the term of two years from the day of his election and no longer; the other three Senators shall serve for and until the full term of four years from the day of their election and no longer.

Mr. Cavender moved to pass this over until this afternoon,

Which motion Was Lost.

Recurring to the motion to adopt the amendment, it was lost.

Mr. Hering moved to vote on Section 3 by paragraphs,

Which motion Prevailed.

And lines one to seven were adopted, as follows:

Section 3. The offices of the present Senators and Representatives shall not be vacated or otherwise affected by this amended Constitution, except that the Senators whose terms do not expire on the day of the next general election shall threafter represent the districts in which they now reside until the end of the terms for which they were elected.

Lines eight to sixteen were adopted, as follows:

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected from each of the even numbered Senatorial Districts in the State, except District Number Two in New Castle county, District Number Four in Kent county, and District Number Two in Sussex county, a Senator for the term of two years, and from each of the odd numbered Senatorial Districts in the State, a Senator for the term of four years.

Lines seventeen to nineteen were adopted, as follows:

And thereafter, as the said terms shall from time to time expire, a Senator shall be elected from each of the said Senatorial Districts for the full term of four years.

Lines twenty to twenty-three were adopted, as follows:

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected in each Representative District in the State one Representative for the term of two years.

And Section 3 was adopted, as printed.

Mr. Cooch moved to adopt Section 4, as follows:

Section 4. The terms of Senators and Representatives shall begin on the day next after their election.

The motion Prevailed.

Mr. Cooch moved to adopt Section 5, as follows:

Section 5. The first general election under this amended Constitution shall be held on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and ninety-eight.

The motion Prevailed.

Mr. Cooch moved to adopt Section 6, as follows:

Section 6. The term of office of the present Governor shall not be vacated, or in anywise affected, by this amended Constitution.

Mr. Martin moved to postpone consideration of this until this afternoon's session,

Which motion Prevailed.

Mr. Cooch moved to adopt Section 7, as follows:

Section 7. All persons in office in this State at the time this amended Constitution shall take effect shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

Upon the expiration of the term of any person now in office the vacancy shall be filled in the same manner as is pro-

vided in this amended Constitution in case of vacancy happening before the expiration of the term of office.

The successors of all persons holding State and county offices heretofore elective or made elective by this amended Constitution at the time the same shall take effect shall be elected at the general election next before the first Tuesday in January next after the expiration of their terms of office, except in cases otherwise provided for in this amended Constitution or Schedule.

Mr. Cavender moved to adopt Section 7 by paragraphs,

Which motion Prevailed.

And lines one to six were adopted, as follows:

Section 7. All persons in office in this State at the time this amended Constitution shall take effect shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

On the motion to adopt lines seven to ten,

Mr. Clark moved to strike out of line eight, all after the word "office" and lines nine and ten and insert in lieu thereof the following: "he shall continue in said office until his successor shall be duly elected at the next general election."

Motion to rise, report progress and ask leave to sit again, prevailed.

———

Same Day, 2.32 o'clock, p. m.

The Committee of the Whole met to further consider the Schedule for the proposed Constitution of 1897, as reported by the Committee on Phraseology and Arrangement.

Mr. Martin in the chair.

Recurring to Mr. Clark's motion to amend Section 7,

Mr. Cooper offered the following as a substitute for Mr. Clark's amendment:

"Which office has been made elective shall continue in said office until his successor shall be duly chosen at the next general election and properly qualified as provided herein. Any office becoming vacant after the general election and before the term begins, to wit: the first Tuesday in January next shall be chosen at said general election next preceeding the end of the said term and enter upon the duties of the office on the first Tuesday of January next following."

Mr. Clark accepted the substitute.

On the question of the adoption of Mr. Cooper's substitute to Mr. Clark's amendment,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Clark, Cooch, Cooper, Dasey, Donahoe, Evans, Hearne, Horsey, Martin, Pratt, Sapp.

Nays—Messrs. Biggs, Burris, Cannon, Carlisle, Cavender, Ellegood, Gilchrist, Hering, Johnson, Moore, Murray, Orr, Richards, Saulsbury, Smithers, Spruance, Wright.

Yeas, 11; nays, 17.

So the question was decided in the negative, and the proposed substitute was rejected.

Recurring to the motion to adopt as printed, lines seven to ten, as follows:

Upon the expiration of the term of any person now in office the vacancy shall be filled in the same manner as is provided in this amended Constitution in case of vacancy happening before the expiration of the term of office.

The motion Prevailed.

On the question to adopt lines twelve to seventeen,

Mr. Hearne moved to add the following after the word "Schedule" in line seventeen:

"provided, however, that no officer having the control and supervision of the printing of the ballots to be used at the next ensuing general election shall be eligible to any office to be filled at said election."

The motion Was Lost.

Mr. Spruance moved to strike out of lines thirteen and fourteen the words "at the time the same shall take effect," and insert in line eleven, between the words "persons" and "holding" the following words "at the time this amended Constitution shall take effect."

The motion Was Lost.

Recurring to the motion to adopt lines eleven to seventeen, as follows:

The successors of all persons holding State and county offices heretofore elective or made elective by this amended Constitution at the time the same shall take effect shall be elected at the general election next before the first Tuesday in January next after the expiration of their terms of office, except in cases otherwise provided for in this amended Constitution or Schedule.

The motion Prevailed.

And Section 7 was adopted as follows:

Section 7. All persons in office in this State at the time this amended Constitution shall take effect shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

Upon the expiration of the term of any person now in office the vacancy shall be filled in the same manner as is provided in this amended Constitution in case of vacancy happening before the expiration of the term of office.

The successors of all persons holding State and county offices heretofore elective or made elective by this amended Constitution at the time the same shall take effect shall be

elected at the general election next before the first Tuesday in January next after the expiration of their terms of office, except in cases otherwise provided for in this amended Constitution or Schedule.

Mr. Cooch moved to adopt Section 8, as follows:

Section 8. The terms of office of all elective State and county officers shall commence on the first Tuesday in January next after their election, unless otherwise provided in this amended Constitution or Schedule.

The motion Prevailed.

Mr. Cooch moved to adopt Section 9.

Mr. Evans moved to strike out line ten and insert in lieu thereof the following:

"The Chancellor and all Judges holding office in this State at the time this amended Constitution shall take effect shall hold their respective offices until their terms for which they have been appointed shall expire."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooch, Donahoe, Evans, Horsey, Johnson, Martin, Pratt.

Nays—Messrs. Burris, Cannon, Cavender, Clark, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Hering, Moore, Murray, Orr, Richards, Saulsbury, Smithers, Spruance.

Yeas, 7; nays, 17.

So the question was decided in the negative, and the motion was lost.

Mr. Evans moved to strike out line ten and insert the following:

"The Chancellor and all Judges holding offices in this State at the time this amended Constitution shall take effect

shall hold their respective offices for the full term of twelve years from that date."

Motion to rise, report progress and ask leave to sit again, prevailed.

Friday, May 28, 1897.
10.40 o'clock, a. m.

The Committee of the Whole met to consider the Schedule for the Proposed Constitution of 1897, as reported by the Committee on Phraseology and Arrangement,

Mr. Martin in the chair.

Recurring to Mr. Evans' motion of yesterday to amend Section 9,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cooch, Donahoe, Evans, Horsey, Johnson, Martin, Sapp.

Nays—Messrs. Biggs, Burris, Cannon, Carlisle, Clark, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Hering, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance, Wright.

Yeas, 7; nays, 20.

So the question was decided in the negative, and the motion was lost.

Recurring to the motion of yesterday to adopt Section 9, as follows:

Section 9. This Constitution as amended, so far as shall concern the judicial department, shall take effect from and after the day of in the year one thousand eight hundred and ninety . All the courts of justice now existing shall continue with their present jurisdiction, and the Chancellor and judges shall continue in office until the said day of in the year one thousand eight hundred and ninety ; upon which day the said courts

shall be abolished, and the offices of the said Chancellor and judges shall expire.

All writs of error, and appeals and proceedings which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Errors and Appeals, and all the books, records and papers of said court, shall be transferred to the Supreme Court established by this amended Constitution; and the said writs of error, appeals and proceedings shall be proceeded in the Supreme Court to final judgment, decree or other determination.

All suits, proceedings, and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Superior Court, and all books, records and papers of the said court, shall be transferred to the Superior Court established by this amended Constitution, and the said suits, proceedings and matters shall be proceeded in to final judgment, or determination, in the said Superior Court established by this amended Constitution.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of General Sessions of the Peace and Jail Delivery, shall be transferred to and proceeded in to final judgment and determination in the Court of General Sessions established by this amended Constitution, and all books, records and papers of said Court of General Sessions of the Peace and Jail Delivery shall be transferred to the said Court of General Sessions.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Oyer and Terminer, shall be transferred to and proceeded in to final judgment and determination in the Court of Oyer and Terminer established by this amended Constitution, and all books, records and papers of said Court of Oyer and Terminer shall be transferred to the said Court of Oyer and Terminer established by this amended Constitution

All suits, proceedings and matters which, on the said day of , in the year one thousand eight hundred and ninety , shall be depending in the Court of Chancery, or in the Orphans' Court, and all records, books and papers of said courts respectively, shall be transferred to the Court of Chancery or Orphans' Court respectively, established by this amended Constitution; and the suits, proceedings and matters, shall be proceeded in to final decree, order or other determination.

The motion Prevailed.

Mr. Cooch moved to adopt Section 10, as follows:

Section 10. Unless otherwise provided, the Registers' Courts and the jurisdiction of Justices of the Peace shall not be affected by this amended Constitution .

The motion Prevailed.

Mr. Cooch moved to adopt Section 11, as follows:

Section 11. If the Chancellor, Chief Justice, or any Associate Judge in office at the time this amended Constitution shall take effect shall not be appointed Chancellor, Chief Justice or Associate Judge under this amended Constitution, he shall be entitled to receive one year's compensation, as now provided by law, after the expiration of his term of service.

Mr. Biggs moved to insert in line five between the words "one" and "years" the word "half" in line six between the words "law" and "after" the words "for five years" and in line seven strike out the words "term of service" and insert in lieu thereof the words "office if he shall so long live."

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Burris, Cannon, Carlisle, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Martin, Moore, Murray, Orr, Pratt, Richards, Saulsbury, Smithers, Spruance.

Nays—Messrs. Cavender, Horsey, Johnson, Sapp, Wright.

Yeas, 21; nays, 5.

So the question was decided in the affirmative, and the motion prevailed.

Recurring to the motion to adopt, as amended, Section 11, as follows:

Section 11. If the Chancellor, Chief Justice, or any Associate Judge in office at the time this amended Constitution shall take effect shall not be appointed Chancellor, Chief Justice or Associate Judge under this amended Constitution, he shall be entitled to receive one half year's compensation, as now provided by law, for five years after the expiration of his office if he shall so long live.

The motion Prevailed

Mr. Cooch moved to adopt Section 12, as follows:

Section 12. The first biennial Session of the General Assembly under this amended Constitution shall commence on the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

The motion Prevailed.

Mr. Cooch moved to adopt Section 13, as follows:

Section 13. The provisions of Section 15 of Article II of this amended Constitution relating to the amount of the compensation of the members of the General Assembly and the presiding officers of the respective Houses shall not apply to any adjourned, special or extra session of the General Assembly held prior to the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

The motion Prevailed.

Mr. Cooch moved to adopt Section 14, as follows:

Section 14. The provision of Section 1 of Article IX of this amended Constitution that "No corporation shall hereafter

be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law," shall not take effect until the General Assembly shall enact a general law as provided for in said section.

Mr. Pratt moved the following as a substitute for Section 14:

Section 14. The provision of Section 1 of Article IX of this amended Constitution shall not prevent the renewal of the charter of any corporation in existence at the time this amended Constitution shall take effect, and which would expire before the General Assembly shall enact a general law as provided in said section, provided the powers and privileges of any such corporation shall not be changed, enlarged or abridged, or the renewal of such charter extended beyond one year after the enactment of such general law.

Mr. Spruance moved to strike out all of Section 14, after the word "not" in line seven, and insert in lieu thereof the following: "before the General Assembly shall enact a general law as provided for in said section, prevent the renewal of existing corporations without change or enlargement of their corporate powers or duties, in the manner lawful before this amended Constitution shall take effect, provided, however, that such renewal shall be subject to the provisions of Section 2 of the said Article.

Motion to rise, report progress and ask leave to sit again, was lost.

Recurring to Mr. Spruance's motion to amend Section 14,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Biggs, Cavender, Clark, Dasey, Ellegood, Evans, Johnson, Martin, Moore, Murray, Smithers.

Nays—Messrs. Carlisle, Cooch, Cooper, Donahoe, Gil-

christ, Hearne, Horsey, Orr, Pratt, Richards, Sapp, Saulsbury, Spruance.

Yeas, 12; nays, 13.

So the question was decided in the negative, and the motion was lost.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.09 o'clock, p. m.

The Committee of the Whole met to continue the consideration of the Schedule for the proposed Constitution of 1897 as reported by the Committee on Phraseology and Arrangement,

Mr. Martin in the chair.

Recurring to Mr. Pratt's motion of this morning, Mr. Spruance moved the following as a substitute:

Section 14. The provisions of Section 1, ArticleIX, of this amended Constitution shall not, before the General Assembly shall enact a general law as provided for in the said section, prevent the renewal for a period not exceeding five years of existing corporations without change or enlargement of their corporate powers or duties in the manner lawful before this amended Constitution shall take effect.

Which, by unanimous consent, he withdrew.

Mr. Pratt, by unanimous consent, withdrew his motion of this morning.

Mr. Gilchrist moved the following as a substitute for Section 14:

Section 14. Until the General Assembly shall enact a general law as provided for in Section 1 of Article IX, of this amended Constitution, existing corporations may be renewed

for a period not exceeding four years without change or enlargement of their corporate powers or duties in the manner lawful before this amended Constitution shall take effect.

The motion Prevailed.

Mr. Cooch moved to adopt Section 15, as follows:

Section 15. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws.

The motion Prevailed.

Mr. Cooch moved to adopt Section 16, as follows:

Section 16. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

The motion Prevailed.

Mr. Cooch moved to adopt the following:

Done in Convention, the day of , in the year of our Lord one thousand eight hundred and ninety-seven and of the Independence of the United States of America the one hundrd and twenty-second.

In Testimony Whereof, we have hereunto subscribed our names.

The motion Prevailed.

Mr. Biggs moved to reconsider the vote by which Section 7 was adopted,

Which motion Prevailed.

Mr. Biggs moved the following as a substitute for Section 7:

Section 7. All persons in office in this State at the time this amended Constitution shall take effect shall hold their respective offices until the terms for which they have been

elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

Upon the expiration of the terms of persons, who at the time this amended Constitution shall take effect, hold State or County offices made elective by this amended Constitution, the Governor shall fill the said offices by appointment until the first Tuesday in January following the next general election.

The successors of all persons who, at the time this amended Constitution shall take effect, shall hold State or County offices made elective by this amended Constitution, shall be elected at the general election next after the expiration of their terms of office; provided, however, that where the terms of office of such persons shall expire between the day of a general election and the first Tuesday of January next following, the successors to such offices shall be elected at the general election next preceding the said first Tuesday of January.

Mr. Spruance moved that further consideration of Section 7 and proposed substitute be postponed,

Which motion Prevailed.

Motion to rise, report progress and ask leave to sit again, prevailed.

Wednesday, June 2, 1897.
10.45 o'clock, a. m.

The Committee of the Whole met to consider the Schedule for the proposed Constitution of 1897 as reported by the Committee on Phraseology and Arrangement,

Mr. Martin in the chair.

Mr. Spruance moved that further consideration of Section 7 and proposed substitute be postponed,

Which motion Prevailed.

Mr. Biggs moved to reconsider the vote by which Section 8 was adopted,

Which motion Prevailed.

Mr. Biggs moved to strike out the word "elective" in line one and the word "officers" in line two, Section 8, and insert in lieu thereof the words "offices made elective by this amended Constitution,

Which motion Prevailed.

Section 8, as amended, was adopted, as follows:

Section 8. The terms of office of all State and county offices made elective by this amended Constitution shall commence on the first Tuesday in January next after their election, unless otherwise provided in this amended Constitution or Schedule.

Mr. Biggs moved to reconsider the vote by which lines twenty-nine to thirty-eight of Section 9 were adopted,

Which motion Prevailed.

Mr. Biggs moved to insert in line thirty-five between the

words "Constitution" and the words "or be otherwise disposed of by the Court of General Sessions,"

Which motion Prevailed.

Section 9, as amended, was adopted, as follows:

Section 9. This Constitution as amended, so far as shall concern the judicial department, shall take effect from and after the day of in the year one thousand eight hundred and ninety . All the courts of justice now existing shall continue with their present jurisdiction, and the Chancellor and judges shall continue in office until the said day of in the year one thousand eight hundred and ninety ; upon which day the said courts shall be abolished, and the offices of the said Chancellor and judges shall expire.

All writs of error, and appeals and proceedings which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Errors and Appeals, and all the books, records and papers of said court, shall be transferred to the Supreme Court established by this amended Constitution; and the said writs of error, appeals and proceedings shall be proceeded in the said Supreme Court to final judgment, decree or other determination.

All suits, proceedings, and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Superior Court, and all books, records and papers of the said court, shall be transferred to the Superior Court established by this amended Constitution, and the said suits, proceedings and matters shall be proceeded in to final judgment, or determination, in the said Superior Court established by this amended Constitution.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of General Sessions of the Peace and Jail Delivery, shall be transferred to and proceeded in to final judgment and determination in the Court of General Sessions established by this

amended Constitution, or be otherwise disposed of by the Court of General Sessions and all books, records and papers of said Court of General Sessions of the Peace and Jail Delivery shall be transferred to the said Court of General Sessions.

All indictments, proceedings and matters which, on the said day of in the year one thousand eight hundred and ninety , shall be depending in the Court of Oyer and Terminer, shall be transferred to and proceeded in to final judgment and determination in the Court of Oyer and Terminer established by this amended Constitution, and all books, records and papers of said Court of Oyer and Terminer shall be transferred to said Court of Oyer and Terminer established by this amended Constitution.

All suits, proceedings and matters which, on the said day of , in the year one thousand eight hundred and ninety , shall be depending in the Court of Chancery, or in the Orphans' Court, and all records, books and papers of said courts respectively, shall be transferred to the Court of Chancery or Orphans' Court respectively, established by this amended Constitution; and the suits, proceedings and matters, shall be proceeded in to final decree, order or other determination.

Mr. Spruance moved to reconsider the vote by which Section 13 was adopted,

Which motion Prevailed.

Mr. Spruance moved to strike out of line two the words "relating to" and insert the words "limiting,"

Which motion Prevailed.

Section 13, as amended, was adopted, as follows:

Section 13. The provisions of Section 15 of Article II of this amended Constitution limiting the amount of the compensation of the members of the General Assembly and the presiding officers of the respective Houses shall not apply to any adjourned, special or extra session of the General Assembly held prior to the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

Mr. Spruance moved to reconsider the vote by which Section 14 was adopted,

Which motion Prevailed.

Mr. Spruance moved to insert between the words "general" and "law" the word "incorporation,"

Which motion Prevailed.

Section 14, as amended, was adopted, as follows:

Section 14. Until the General Assembly shall enact a general incorporation law as provided for in Section 1 of Article IX of this amended Constitution existing corporations may be renewed for a period not exceeding four years without change or enlargement of their corporate powers or duties in the manner lawful before this amended Constitution shall take effect.

Mr. Spruance moved the following as an additional section to this Schedule.

Section —. The Chancellor, Chief Justice and Associate Judges first appointed under this amended Constitution shall be appointed by the Governor without the consent of the Senate, for the term of twelve years; and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this amended Constitution.

The motion Prevailed.

By unanimous consent the word "their" in line three, Section 8, was changed to the word "the."

By unanimous consent the word "offices" in line two, Section 8, was changed to the word "officers" and the word "the" line three was changed back to the word "their."

By unanimous consent the word "twenty-second" at the end of the Schedule was changed to the word "twenty-first."

Mr. Spruance moved that the additional section be made Section 10; that Section 10 be made Section 11 and the other sections be numbered consecutively,

Which motion Prevailed.

Mr. Cooch moved to take up for consideration Section 7,

Which motion Prevailed.

Mr. Cooper moved the following substitute for Section 7 of the Schedule.

Section 7. All persons in office in this State at the time this amended Constitution shall take effect and whose terms will expire before the next general election and before the first Tuesday of January A. D. 1899 shall hold their respective offices until the first Tuesday of January A. D. 1899 and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

And all persons in office in this State at the time this amended Constitution shall take effect and whose terms of office will expire between the first Tuesday of January A. D. 1899 and the first Tuesday of January A. D. 1901, shall hold their respective offices until the first Tuesday of January A. D. 1901 and until their successors are duly qualified unless otherwise provided in this amended Constitution or Schedule.

And all other persons in office in this State at the time this amended Constitution shall take effect shall hold their respective offices until the first Tuesday of January A. D. 1903 and until their successors are duly qualified, unless otherwise provided in this amended Constitution or Schedule.

The successors of all persons who at the time this amended Constitution shall take effect shall hold State or county offices made elective by this amended Constitution shall be elected at the general election next preceding the first Tuesday of January in each of the years 1899, 1901 and 1903, as the terms of the persons holding offices as aforesaid shall respectively expire according to the provisions of this Section of the Schedule.

Motion to rise, report progress and ask leave to sit again, prevailed.

Same Day, 2.38 o'clock, p. m.

The Committee of the Whole met to consider the Schedule for the proposed Constitution of 1897 as reported by the Committee on Phraseology and Arrangement,

Mr. Martin in the chair .

By unanimous consent Mr. Biggs withdrew his substitute for Section 7.

Mr. Cooper asked leave to amend his proposed substitute for Section 7 by inserting after the word "State" in each paragraph the words "made by this amended Constitution elective."

By unanimous consent it was granted.

Mr. Spruance moved the following as a substitute for Mr. Cooper's substitute for Section 7:

"Section 7. All persons who at the time this amended Constitution shall take effect shall hold State or county offices made elective by this amended Constitution shall hold their respective offices until the terms for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule. The successors of all persons who, at the time this amended Constitution shall take effect shall hold State or county offices made elective by this amended Constitution shall be elected at the general election next after the expiration of their terms of office: provided, however, that when the terms of such persons shall expire between the day of a general election and the first Tuesday of January next following persons to fill such offices shall be elective at the said general election; and provided further, that upon the expiration of the terms of persons who at the time this amended Constitution shall take effect shall hold State or county offices made elective by this amended Constitution, the Governor shall fill said offices by appointment until the first Tuesday in January next after the next general election.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Burris, Cannon, Carlisle, Clark, Gilchrist, Murray, Richards, Saulsbury, Spruance, Wright.

Nays—Messrs. Biggs, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Hearne, Hering, Martin, Pratt, Sapp, Smithers.

Yeas, 10; nays, 13.

So the question was decided in the negative, and the proposed substitute was rejected.

Recurring to Mr. Cooper's substitute for Section 7,

Mr. Carlisle moved to insert in the three paragraphs after the word "effect" the words "who have been elected or appointed,"

Which motion Prevailed.

On the question of the following substitute for Section 7, as amended, as follows:

Section 7. All persons in offices in this State made by this amended Constitution elective at the time this amended Constitution shall take effect who have been elected or appointed and whose terms will expire before the next general election and before the first Tuesday of January, A. D. 1899, shall hold their respective offices until the first Tuesday of January, A. D., 1899, and until their successors shall be duly qualified, unless otherwise provided in this amended Constitution or Schedule.

And all persons in office in this State made by this amended Constitution elective at the time this amended Constitution shall take effect who have been elected or appointed and whose terms of office will expire between the first Tuesday of January, A. D., 1899, and the first Tuesday of January, A. D., 1901, shall hold their respective offices until the first Tuesday of January, A. D., 1901, and until their successors are duly qualified unless otherwise provided in this amended Constitution or Schedule.

And all other persons in office in this State made by this amended Constitution elective at the time this amended Constitution shall take effect who have been elected or appointed shall hold their respective offices until the first Tuesday of January, A. D., 1903, and until, their successors are duly qualified, unless otherwise provided in this amended Constitution or Schedule.

The successors of all persons who at the time this amended Constitution shall take effect shall hold State or county offices made elective by this amended Constitution shall be elected at the general election next preceding the first Tuesdty of January in each of the years 1899, 1901 and 1903, as the terms of the persons holding offices as aforesaid, shall respectively expire according to the provisions of this Section of the Schedule.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Cavender, Cooch, Cooper, Dasey, Donahoe, Ellegood, Hearne, Martin, Pratt, Sapp, Smithers.

Nays—Messrs. Burris, Cannon, Clark, Gilchrist, Hering, Moore, Murray, Richards, Saulsbury, Spruance, Wright.

Yeas, 12; nays, 11.

So the question was decided in the affirmative, and the proposed substitute was adopted.

Mr. Cooch moved to take up for consideration Section 6.

Mr. Martin moved the following as a substitute for Section 6:

Section 6. The term of office of the present Governor shall terminate on the third Tuesday in the month of January in the year one thousand nine hundred and three. At the general election to be held on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and ninety-eight, there shall be elected a Lieutenant Governor to serve for the term of four years.

Mr. Hearne moved the following as a substitute for Mr. Martin's motion.

Section 6. The term of office of the present Governor shall not be vacated, or in anywise affected, by this amended Constitution. At the general election to be held in this State on the first Tuesday next after the first Monday in the month of November in the year one thousand and nine hundred a Governor and a Lieutenant Governor shall be elected for a term of two years next after the third Tuesday in January one thousand nine hundred and one, or until their successors shall be qualified respectively.

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Cavender, Clark, Cooch, Cooper, Dasey, Donahoe, Ellegood, Gilchrist, Hearne, Martin, Sapp, Saulsbury.

Nays—Messrs. Burris, Cannon, Carlisle, Hering, Moore, Murray, Orr, Pratt, Rishards, Smithers, Spruance, Wright.

Yeas, 13; nays, 12.

So the question was decided in the affirmative, and the motion prevailed.

On the question of Mr. Hearne's substitute for Section 6,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Cavender, Clark, Cooper, Donahoe, Ellegood, Hearne, Martin, Sapp, Saulsbury.

Nays—Messrs. Biggs, Burris, Cannon, Carlisle, Dasey, Gilchrist, Hering, Moore, Murray, Orr, Pratt, Richards, Smithers, Spruance, Wright.

Yeas, 9; nays, 15.

So the question was decided in the negative, and the substitute for Mr. Hearne's motion was lost.

On the question of the adoption of Section 6, as follows:

Section 6. The term of office of the present Governor shall not be vacated, or in anywise affected by this amended Constitution,

The yeas and nays were ordered, which, being taken, were as follows:

Yeas—Messrs. Biggs, Burris, Cannon, Carlisle, Cavender, Clark, Cooper, Dasey, Ellegood, Gilchrist, Hearne, Hering, Martin, Moore, Murray, Orr, Pratt, Richards, Sapp, Saulsbury, Smithers, Spruance, Wright.

Yeas, 23; nays, none.

So the question was decided in the affirmative, and Section 6 was adopted.

Motion to rise, report the adoption of Sections 1 to 17 inclusive with the concluding clause and recommend their adoption by the Convention prevailed.

In obedience to a resolution of the Constitutional Convention of the State of Delaware, adopted the third day of June, A. D. 1897, I have caused to be published the foregoing Journal of the Committee of the Whole of said Convention.

Where lines are mentioned by number, the numbers have reference to those found in the printed or type written reports as they were considered by the Committee, and not to what would be their numbers as they appear on the pages of this Journal.

MORGAN T GUM,
Secretary Committee of the Whole.

Frankford, Del., December 30, 1897.

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for further consideration, 192; motion to adopt Section 31, 192; amendments rejected, 192; amendment adopted, 192; Section 31 adopted, 192, 193; Section 32 amended and adopted, 193; Section 33 adopted, 193, 194; Section 34 adopted, 194; Section 35 adopted, 194, 195; Section 36 adopted, 195; vote by which Section 12 was adopted reconsidered, 195; amended, 195; Section 12 adopted, as amended, 195; vote by which Section 2 was adopted reconsidered, 195; amendment offered, 195; substitute for Section 6 adopted, 195, 196; vote by which Section 12 was adopted reconsidered, 196; amendment adopted, 196; adopted as amended, 196; Section 2 adopted, 197; vote reconsidered, 197; Section 2 amended and adopted, 197, 198; vote by which Section 28 was adopted reconsidered, 198; Section 28 amended and adopted, 198; lines thirteen, fourteen and fifteen, Section 3, amended and adopted, 198, 199; numbering of sections changed, 199, 200; Section 12, formerly Section 13, taken up for consideration, 200; paragraph (1) of Section 12, lines one to five inclusive, adopted, 201; motion to adopt paragraph (2), lines six to seventeen inclusive, 201; Committee rose, 202. Met for further consideration, 202; vote by which paragraph (e), Section 1, first report of the Committee on Judiciary was adopted, reconsidered, 202; Section 12 amended, 202; paragraph (2), Section 12, adopted as amended, 202, 203; paragraph (3), Section 12, adopted, 203; paragraph (4), Section 12, adopted, 203; paragraph (5), Section 12, adopted, 203, 204; Section 18, formerly Section 19, amended and adopted, 204; motion to adopt Section 29, formerly Section 30, 204; substitute for Section 29 adopted, 205; report of thirty-five sections adopted as a whole, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215; Committee rose, 215. Met to consider Sections 31 and 32 and renumbering remaining sections of second report, as amended and adopted in Committee of the Whole, 225; vote by which Sections 31 and 32 were adopted reconsidered, 225; Section 31 amended, 225; Section 31 adopted as amended, 225; Section 32 stricken from

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the report, 225; Section 33 made 32, Section 34 made 33, Section 35 made 34, 226; Committee rose, 226.

Legislature, Committee on—

Met to consider first report of, 65; report, 65, 66; Section 1 adopted, 66; Section 4 taken up, 66; amendment adopted, 66, 67; Section 4, with amendment, adopted, 67; Section 6 taken up, 67; amendment rejected, 67; amendment adopted, 67; Section 6 with amendment, adopted, 67, 68; Section 7 adopted, 68; Section 16 taken up, 68; amended, 68; adopted, as amended, 68; Section 17 adopted, 68, 69; Section 18 adopted, 69; Section 19 taken up, 69; amendments adopted, 69, 70; Committee rose, 70. Met for further consideration, 71; amendment laid on the table, 71; vote by which Section 18 was adopted reconsidered, 71; amendment adopted, 71; motion to reconsider vote by which Section 17 was adopted lost, 71, 72; Section 18, as amended, adopted, 72; Section 19 taken up for consideration, 72; amendment offered, 72; motion to report adoption of Sections 1, 4, 6, 7, 16, 17, 18, and to recommend that Section 19 be recommitted to Committee on Legislature prevailed, 72; Committee rose, 72. Met for consideration of Section 19, 73; amendment offered, 73; amendment to amendment adopted, 73, 74; amendment adopted, 74; Section 19, as amended, adopted, 74; Committee rose, 74. Met to consider Section 18, 314; amendment adopted, 314; Section 18, as amended, adopted, 314; Committee rose, 314.

Met to consider second report, 83; report, 83, 84; motion to adopt Section 1, 84; amendment adopted, 84; Section 1, as amended, adopted, 85; Section 2 adopted, 85; Section 3 adopted, 85; Section 4 adopted, 85; motion to adopt Section 5, 85; amendment adopted, 86; Section 5, as amended, adopted, 86; vote by which Section 1 was adopted reconsidered, 86; Section 1 adopted, 86; second report of Committee on Legislature, as amended, adopted, 86, 87; Committee rose, 87.

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Met to consider third report of, 258; report, 258; motion to adopt lines one and two, 258, 259; amendment and amendment to amendment offered, 259; Committee rose, 259. Met for further consideration, 259; amendment to amendment withdrawn, 259; amendment to amendment offered and rejected, 259, 260; amendment rejected, 260; amendment offered, no action thereon, 261; Committee rose, 261. Met for further consideration, 262; lines one and two adopted, 262; motion to adopt lines three and four, 262; amendment rejected, 262; lines three and four adopted, 263; motion to adopt lines five to fourteen inclusive, 263; amendment rejected, 263; lines five to fourteen inclusive, adopted, 263, 264; motion to report approval, without amendment, of report prevailed, 264; Committee rose, 264.

Met to consider fourth report of, 277; report 277, 278, 279; Section 1 amended and adopted, 279, 280; motion to adopt Section 2, 280; amendment rejected, 280, 281; Section 2 adopted, 281; Section 3 adopted, 281; Section 4 amended and adopted, 281, 282; Section 5 adopted, 282, 283; Section 6 adopted, 283; Section 7 adopted, 283; Section 8 adopted, 283; Section 9 adopted, 283; motion to adopt Section 10, 283, 284; Committee rose, 284. Met for further consideration, 284; Section 10 adopted, 284; Committee rose, 284.

Met to consider reports of, districting the State, 329; reports, 329, 330, 331, 332, 333, 334, 335, 336, 337; report districting New Castle County taken up for consideration, 338; motion to consider part of report fixing Representative Districts in New Castle County prevailed, 338; Numbers 1, 2, 3, 4, 5, 6, 7 8, 9, 10, 11, 12, 13, 14, 15, adopted, 338, 339; Senatorial Districts, Numbers 1, 2, 3, 4, 5, 6 and 7 adopted, 339, 340; supplementary report adopted, 340, 341; Committee rose, 342. Met for further consideration, 342; Committee decided to consider reports on districting Sussex County, 342; substitute offered for the two reports on Sussex County, 342, 343, 344; motion to adopt another report rejected, 344, 345; substitute adopted, 345; report as a whole adopted, 345, 346, 347; report on

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districting Kent County taken up for consideration, 347; amended, 347; adopted as amended, 347, 348, 349, 350; decided that districts be numbered by County instead of by State, 350; Committee rose, 350.

Manufacture and Sale of Intoxicating Liquors, Committee on—

Met to consider majority and minority reports of and proposed substitute for, 291; majority report, 291, 292, 293; minority report, 293; proposed substitute, 293, 294; motion to adopt Section 1 of majority report, 294; two substitutes offered therefor, 294, 295; Committee rose, 295. Met for further consideration, 296; substitute rejected, 296; amendment to other substitute proposed, 296, 297; Committee rose, 297. Met for further consideration, 297; amendment adopted, 297; substitute for Section 1, as amended, adopted, 297, 298; Section 2 of substitute for majority and minority reports amended and adopted, 298; substitute offered for Section 3 and rejected, 298, 299; another substitute offered for Section 3 and rejected, 299; Section 3 adopted, 299, 300; report as a whole adopted, 300; Committee rose, 301.

Phraseology and Arrangements, Committee on—

Met to consider first report of, 284; report, 285, 286; Section 1 adopted, 286; Section 2 adopted, 287; Section 3 adopted, 287; motion to adopt Section 4, 287; amendment rejected, 287; Section 4 adopted, 288; Section 5 adopted, 288; Section 6 adopted, 288; Section 7 adopted, 288; Article —, following the words, "Strike out Article VIII, and insert in lieu thereof the following," adopted, 288, 289; paragraphs reading, "Strike out Sections 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12, of Article VII, and insert in lieu thereof the following," and "Strike out Article VIII and insert in lieu thereof the following," adopted, 289; Committee rose, 289.

Met to consider second report of, 351; report, 351, 352, 353; motion to adopt paragraph (1) made and withdrawn, 354; paragraph (2) adopted, 354; paragraph (3) adopted, 354; paragraph (4) adopted, 354; paragraph (5) adopted, 354,

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355; Committee rose, 355. Met for further consideration, 356; paragraph (6) adopted, 356; paragraph (7) adopted, 356; paragraph (8) adopted ,356; paragraph (9) adopted, 356, 357; paragraph (a) amended and adopted, 357; paragraph (b) adopted, 358; paragraph (c) adopted, 358; paragraph (d) adopted, 358; Committee rose, 358. Met for further consideration, 359; paragraph (1) rejected, 359; paragraph (10) rejected, 359; paragraph (11) rejected, 359; Committee rose, 359. Met for further consideration, 382; further consideration of Section 7 and proposed substitute postponed, 382; vote by which Section 8 was adopted reconsidered, 382; Section 8 amended and adopted, 382; vote by which lines twenty-nine to thirty-eight were adopted reconsidered, 382; amended, 382, 383; Section 9 as amended, adopted, 383, 384; vote by which Section 13 was adopted reconsidered, 384; Section 13 amended and adopted, 384; vote by which Section 14 was adopted reconsidered, 385; Section 14 amended and adopted, 385; additional section adopted, 385; several changes made by unanimous consent, 385; additional section made Section 10, Section 10 made Section 11 and other sections numbered consecutively, 385, 386; Section 7 taken up for consideration, 386; substitute offered for Section 7, 386; Committee rose, 386. Met for further consideration, 387; substitute withdrawn, 387; substitute amended, 387; substitute for substitute rejected, 387, 388; substitute amended and adopted, 388, 389; substitute for Section 6 offered 389; substitute for substitute adopted, 390; substitute rejected, 390; Section 6 adopted, 390, 391; Committee rose, 391.

Purity of the Ballot, Committee on Securing the—

Met to consider first report of, 31; report, 31, 32, 33, 34; certain changes in report under consideration made at request of Committee on Securing the Purity of the Ballot, 34; motion to adopt Section 1, 34; amendment offered and accepted, 34; Committee rose, 34. Met for further consideration, 35; amendment withdrawn, 35; amendment offered, 35; amendment to amendment offered and reject-

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ed, 35; amendment adopted, 36; further consideration of this section postponed, 36; Section 2 taken up for consideration, 36; Committee rose, 38. Met for further consideration, 39; further consideration of Section 2 postponed and Section 1 taken up, 39; vote by which amendment was adopted reconsidered, 39; substitute for amendment offered, 39; amendment to substitute offered, 39; motion to postpone consideration rejected, 39, 40; amendment to substitute rejected, 40; substitute adopted, 40; Section 1, as amended, adopted, 41, 42; Committee rose, 42. Met for further consideration, 43; vote by which Section 1 was adopted reconsidered, 43; amendments to Section 1 proposed and adopted, 43, 44; further consideration postponed, 44; Committee rose, 44. Met for further consideration, 44; report discussed, 44; Committee rose, 44. Met for further consideration, 45; amendment offered and withdrawn, 45; Committee rose, 45. Met for further consideration, 45; report discussed, 45; Committee rose, 45

Met for further consideration of first report and for consideration of second report, 46; second report, 46; amendment to Section 2 of first report offered and adopted, 46, 47; Committee rose, 47. Met for further consideration, 47; motion to adopt Section 1, 47; amendment offered and rejected, 48; Section 1, as amended, adopted, 49; amendments to Section 2 offered and adopted, 49, 50; amendments to Section 2 offered and rejected, 50, 51; motion to adopt Section 2, as amended, 51; Section 2, as amended, adopted, 54; motion to adopt Section 3, 54; amendment offered and adopted, 55; Section 3, as amended, adopted, 55; Committee rose, 55.

Revenue and Taxation, Committee on—

Met to consider first report of, 142; report, 142, 143; motion to adopt Section 1, 143; Committee rose, 144. Met for further consideration, 144; amendments adopted, 144, 145; Section 1, as amended, adopted, 145; motion to adopt Section 2, 145; Section 14, Article II, of existing Constitution substituted for Section 2 of this report, 145; Section

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3 read, no action thereon, 145, 146; motion to adopt Section 4, 146; amendments adopted, 146; Section 4 passed over without further action, 146; motion to adopt Section 5, 146; motion to adopt certain lines of Section 5, 146; amendment offered and withdrawn, 146, 147; Committee rose, 147. Met for further consideration, 148; lines thirty-seven, thirty-eight and thirty-nine to and including the word "limits" in line forty rejected, 148; motion to adopt remainder of line forty, and lines forty-one to forty-four inclusive, 148; remainder of Section 5 after the word "year" in line forty-three stricken out, 148; amendment to Section 5 offered, 148; substitute offered for amendment, 148; Committee rose, 149. Met for further consideration, 149; further consideration of Section 5 postponed and Section 7 taken up, 149; motion to adopt Section 7, 149; amendment adopted, 150; Section 7, as amended, adopted, 150; Section 6 taken up, 150; amendment adopted, 150, 151; Section 6 postponed, 151; Section 3 taken up, 151; amendments offered and adopted, 151; Committee rose, 151. Met for further consideration, 152; ordered to report consideration of this report and recommend that it be referred back to the standing committee, 152; Committee rose, 152.

Met to consider second report of, 153; report, 153, 154, 155; Section 1 amended and adopted, 155; Section 2 adopted, 155, 156; Section 3 amended and adopted, 156, 157; motion to adopt Section 4, 157; Sections 4 and 5 passed over without action, 157; motion to adopt Section 6, 157; amendment adopted, 157; amendment rejected, 157, 158; amendments adopted, 158; Section 6, as amended, adopted, 158; motion to adopt Section 7, no action thereon, 158, 159; Committee rose, 159. Met for further consideration, 160; consideration of Section 7 resumed, 160; amendment rejected, 160; Section 7 adopted, 160, 161; Section 4, amended and adopted, 161, 162; motion to adopt Section 8, 162; lines one, two, three, four and to and including the word "whatever" in line five adopted with amendment, 162, 163; Committee rose, 163. Met for further consideration, 163; ordered to report back that part of Section 8

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after the word "whatever" in line five with recommendation that it be recommitted to Committee on Revenue and Taxation, 163; Committee rose, 163. Met for further consideration, 164; motion to adopt Section 5, 164; amendment rejected, 164; amendment adopted, 164; substitute offered for Section 5 and rejected, 164, 165; amendment adopted, 165; Committee rose, 165. Met for further consideration, 166; motion to adopt Section, 5, 166; substitute for lines one, two and three, and to and including the word "over" in line four, offered and adopted, 166; Section 5, as amended, adopted, 166, 167; Committee rose, 167. Met to consider Section 8, 275; section proposed, 275, 276; lines one, two, three, and four to and including the word "whatever" in line five adopted, 276; remainder of proposed section rejected, 276; Committee rose, 276.

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Met to consider report of, 360; Schedule, 360, 361, 362, 363, 364; Preamble adopted, 364, 365; Section 1 adopted, 365; Section 2 adopted, 365; motion to adopt Section 3, 365; amendment rejected, 366, 367; decided to vote on Section 3 by paragraphs, 367; lines one to seven adopted, 367; lines eight to sixteen adopted, 367; lines seventeen to nine teen adopted, 367; lines twenty to twenty-three adopted, 368; Section 3 adopted as printed, 368; Section 4 adopted, 368; Section 5 adopted, 368; consideration of Section 6 postponed, 368; motion to adopt Section 7, 368; decided to vote by paragraphs, 369; lines one to six adopted, 369; amendment offered to lines seven to ten, 369; Committee rose, 369. Met for further consideration, 369; amendment rejected, 370; lines seven to ten adopted, 370; amendments rejected, 370, 371; lines eleven to seventeen adopted, 371; Section 7 adopted, 371, 372; Section 8 adopted, 372; motion to adopt Section 9, 372; amendment rejected, 372; amendment offered, 372, 373; Committee rose, 373. Met for further consideration, 374; amendment rejected,

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374; Section 9 adopted, 374, 375, 376; Section 10 adopted, 376; motion to adopt Section 11, 376; Section 11 amended, 376, 377; Section 11, as amended, adopted, 377; Section 12 adopted, 377; Section 13 adopted, 377; motion to adopt Section 14, 377, 378; substitute offered, 378; amendment rejected, 378, 379; Committee rose, 379. Met for further consideration, 379; substitute for Section 14 adopted , 379, 380; Section 15 adopted, 380; Section 15 adopted, 380; concluding paragraphs adopted, 380; vote by which Section 7 was adopted reconsidered, 380; substitute offered, 380, 381; further consideration of Section 7 and proposed substitute postponed, 381; Committee rose, 381.

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